

# Law Enforcement News

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## Child-abuser list quashed, advocates fear for kids' safety

Experts on child abuse are concerned that state efforts to protect at-risk children may be jeopardized by the October ruling of a Federal judge in Florida, who held unconstitutional a computerized data base in which the state compiled the names and alleged wrongdoing of thousands of suspected child abusers.

Judge Maurice M. Paul issued the ruling in a class-action suit brought last April by the Florida Teaching Profession-National Education Association, which represented three teachers who contended they had been unfairly named in abuse reports. The judge held that more than 200,000 of the reports in the data base had been compiled unconstitutionally, in "clear deprivation of liberty interests" without due process of law.

The ruling by the Tallahassee judge could result in compensation for those whose names are mentioned in the abuse reports.

At issue was one of three types of reports in the data base, known as the Abuse Registry, which stores thousands of confirmed, suspected or unfounded child abuse reports kept by the Florida Department of Health and Rehabilitative Services (HRS). An anonymous phone call reporting allegations of abuse to a child abuse hotline is all it takes for one's name to be entered into the data base. The information remains in the system for 30 days if the report is unfounded, for seven years if abuse is suspected or "indicated," and for 50 years if a case of child abuse is confirmed.

Paul's ruling concerned the "indicated" abuse reports, which are filed in cases where abuse is suspected but not proved, or in cases where abuse is evident but officials cannot say with certainty who is responsible. Likely suspects in such cases are listed as "significant others," and their names and details of the abuse are stored in the database. Those mentioned as "significant others" in "indicated" abuse have no right to defend themselves at a hearing, unlike persons listed in reports of "confirmed" abuse.

While Paul's ruling has not been finalized, Ronald Meyer, an attorney who represented the Florida teachers'

group, said it represents a victory for those mentioned in what Meyer estimated are 400,000 indicated records maintained by the State of Florida. "The people who are named in those reports and stigmatized by those reports have no means of seeking to clear their names or responding to the material in the registry. The court found that to be a denial of 14th Amendment liberty interests," Meyer told LEN. "Once the court found the statute unconstitutional, I'd say 90 percent of our claim was sustained."

Meyer said he has asked the court to enter an injunction that would bar HRS from continuing to compile indicated abuse reports. He has also asked the court to direct and supervise the destruction of the "stigmatizing information" he contends is present in about 211,000 of the indicated abuse reports. Monetary damages are also being explored, he added.

An HRS official denied that the indicated records name anyone as a suspected child abuser and said the state has requested a rehearing of Paul's ruling, saying it is based on a "misperception." Steve Konicki, an HRS spokesman, said that no one is named as an abuser in an indicated report "because we don't know who did it." Nevertheless, the ruling does not mean that the state cannot continue to compile indicated abuse reports, he added.

Paul ruled that "based on the premise that there were people named as indicated abusers, that they should be given some right to a hearing to determine whether they should be listed as such," Konicki told LEN. "There is no such thing as listing someone as an indicated abuser in these cases, and we expect that in a rehearing, the judge will understand that, and we'll prevail."

If a state appeal of the ruling fails, Konicki said the state will institute a hearing process so that people will have the opportunity to learn specifically what kind of information is contained in the contested abuse reports.

"The major concern seems to be that people don't know what it says about them in indicated child abuse cases, and are concerned that maybe it says they're a child abuser. We're willing to develop

Continued on Page 11

*Amid recession, a growth industry:*

## Homicide surges in 1990

If homicide rates in the nation's cities are a good indication, the year past gave an ominous start to a decade that some crime analysts believe may well prove to be the most violent in U.S. history. A year-end survey of 26 major American cities reveals that most of them recorded significant increases in homicides in 1990, at least a dozen posted record-setting homicide tolls, eight broke records set in 1989, and at least two cities — New York and Washington — set homicide records for the third consecutive year.

Police officials contacted by LEN attribute the increases to high-powered turf battles between well-armed members of drug syndicates, an increasing number of bystander deaths, the relative ease with which guns are acquired by the criminal element, and an apparent willingness by young people to resort to violence to settle disputes.

Homicide records were broken in Boston, Bridgeport, Conn., Dallas, Memphis, Tenn., Milwaukee, New York, New Orleans, Oakland, Calif.,

Phoenix, Philadelphia, Providence, R.I.; San Antonio, Texas, and Washington, D.C. In some of these cities, the homicide tolls surpassed records set in 1989. [See chart, Page 6.]

On a per-capita basis, Washington remains the undisputed murder capital of the United States. The city's record of 434 killings, set in 1989, was easily surpassed by 1990's toll of 483 homicides.

Washington officials say that the city's black community is paying the heaviest toll in the carnage. Police spokeswoman Haydee Mazariegos told LEN that 83 percent of the murder victims were young black males. She added that 41 percent of the homicides were deemed by police to be drug-related and that firearms were used in 78 percent of the murders.

New York City posted an unofficial homicide total of 2,200. Police officials estimate that the old record of 1,906, set last year, was surpassed sometime in November during a particularly bloody weekend that saw seven people die in a

seven-hour period. The figure also includes the 87 people who died last March in an arson fire at a Bronx social club that was allegedly set by a jilted boyfriend.

Again, guns and drugs were blamed by police for the continued slaughter. Mayor David N. Dinkins is reportedly planning to announce a proposal for an absolute ban on assault weapons in the city. Police also said they could not recall a previous year in which more children died as a result of random gunfire than ran through bedroom windows or aerobics playgrounds. In one case, a nine-year-old girl died after being struck by an errant bullet as she slept in her mother's arms.

"We're seeing crime rates across the board go up, including homicide," said Houston police spokesman Richard Retz, who noted that while Houston's 617 homicides in 1990 did not surpass the all-time high of 701 in 1981, it was a big jump over 1989's figure of 512. Retz said that some of the increase

Continued on Page 6

## Commission says DC police could do more with much less

In recent years, Congress and local elected officials have heeded calls by Washington, D.C., police for more personnel to fight escalating crime in the nation's capital, but now the first comprehensive analysis of the Metropolitan Police Department in two decades says that the agency could do a lot more crime-fighting with a lot fewer officers — 1,605 fewer to be exact — and save millions of dollars as well.

That conclusion came late last month as part of a review of city operations by the Rivlin Commission, which was appointed by former Mayor Marion Barry to explore ways the city can balance its budget within the next five years. The commission's report said reductions in police staffing could help

the city meet that goal by providing an estimated savings of \$64.7 million by fiscal year 1992 without adversely affecting police services.

"We concluded that the department, at its current authorized level, was staffed well beyond what workload demands require," said Darrel W. Stephens, the executive director of the Police Executive Research Forum, which served as a consultant to the public safety component of the study. "What we did find was that their staffing didn't match the workload requirements. Often times, the people who were assigned to a particular patrol district were not there. They were off on special assignments in some other part of the organization."

The department is expected to reach its authorized hiring level of 5,055 officers early in 1991, but the report said that deployments of those officers are seriously flawed. Only four out of 10 officers were assigned to street patrol, the report said, and it urged city officials to achieve the suggested reduction of the force by eliminating 1,000 new positions authorized by City Council and Congress in fiscal year 1990 — some of which remain unfilled — eliminating 527 additional uniformed positions in administration and management; and civilianizing 78 positions now held by police officers.

"The problem that the District has is that the numbers on paper don't reflect

Continued on Page 9

## Bias-tainted layoffs in 1970's proving very costly for NYPD

At a time of deepening fiscal gloom and a continuing scramble to find funds to hire more police officers, the City of New York is continuing large payments to plaintiffs in a suit brought by black and Hispanic police officers who were laid off during the city's fiscal crisis of the 1970's, and a high-ranking police source has told LEN that as much as \$10 million will have been paid out by the time all of the plaintiffs claim their share of the court-ordered relief.

The payments, which began in March, stem from a Federal lawsuit won by the Guardians Association, an organization of black police officers. Those who believe they have a right to claim damages stemming from the lawsuit have until Jan. 31 to do so, after

which claims will be deemed null and void, said Eileen Millett, the Police Department's assistant deputy commissioner for civil matters.

The case has been mired in litigation since May 1975, when the Guardians, representing 369 black and Hispanic police officers who had been appointed after March 1972, filed suit against the New York City Civil Service Commission, alleging that many of the officers would not have been laid off in the fiscal crisis if hiring procedures in place at the time had not been discriminatory. A judge agreed that the officers' seniority was lower than it would have been in the absence of discrimination, and thus many of the officers should not have been laid off.

Ken Kimerling, an attorney with the Puerto Rican Legal Defense Fund who has been involved with the suit since the beginning, said its significance is no different from similar cases brought both privately and by the Justice Department that challenged hiring criteria.

"In most instances, the courts, when they reached the merits of these claims, found that the criteria used were not job-related or had not been shown to be job-related," he said. "In this instance, the court found that to be true for seven entry-level examinations given from 1968 to 1970." In the years since the suit was filed, he added, the Police Department has continued efforts to

Continued on Page 9

## What They Are Saying:

**"They said the Police Department is a bunch of fat, happy cats, and that's just not true."**

— Washington, D.C., Police Chief Isaac Fulwood, disagreeing with a commission report that concluded that police staffing and deployment in the District was out of sync with operational and fiscal realities. (9.3)

# Around the Nation

## Northeast

**DISTRICT OF COLUMBIA** — A man who police say was one of the leaders of a drug gang linked to several murders was charged Dec. 19 with conspiracy to distribute narcotics. Anthony Nugent, 25, is alleged to be one of the leaders of the "R Street Gang." Police have seized drugs, weapons, cash and cars linked to gang members.

**MAINE** — A man arrested in Chicago after trying to buy a ton of marijuana from Federal agents there will eventually be returned to Maine to face charges in connection with a drug-smuggling ring that operated over a decade ago, authorities said. Robert Lee Ellis, 43, was apprehended Dec. 10 after a Drug Enforcement Administration sting. He is accused by Maine officials of taking part in a conspiracy in 1975 and 1976 to import tons of marijuana from Colombia. He is also wanted by Jacksonville, Fla., officials on similar charges.

**MASSACHUSETTS** — Two Malden police officers were found guilty Dec. 19 of protecting a prostitution ring in exchange for weekly payments of \$300. A prostitute testified that she paid Lieuts Alan Butt, 44, and James Semon, 47, for the past three years under the threat of arrest.

Attorney General James Shannon said Dec. 18 that Boston police had violated the civil rights of black youths by illegally stopping and searching them and apparently coerced witnesses to testify during their investigation of the 1989 killing of Carol Stuart. Shannon said a state probe found that police strip-searched youths, often searching inside their underwear. Police Commissioner Francis Roache called Shannon's allegations "totally unjustified and completely lacking in due process." Carol Stuart's husband, Charles, also injured in the incident, told police a black mugger had accosted the couple, but it was later learned that Charles Stuart had carried out the deed to collect on insurance policies. Stuart later committed suicide when he learned he had become the prime suspect in his wife's killing.

**NEW YORK** — A New York City correction officer was arrested Dec. 19 and charged with taking part in a \$100,000 plot to aid the escape of a double-murder suspect who had been on the FBI's 10 Most Wanted List. Kurt Gibson, 26, was arrested after a four-month investigation that alleges he tried to help Gandhi Guzman, 23, escape from the Queens House of Detention. Guzman is awaiting trial for the drug-related murders of two women.

New York City Police Commissioner Lee P. Brown said on Dec. 21 that department investigators have found no pattern of favoritism toward ultra-Orthodox Hasidic Jews in the Williamsburg section of Brooklyn, as had been alleged by Hispanic residents of the area and by a Hispanic police officer assigned to the neighborhood.

In the first major command reshuffling since the arrival of Police Commissioner Lee P. Brown in New York City earlier this year, the department reas-

signed 13 top police officials Dec. 21, including the heads of the narcotics division and patrol forces in Brooklyn, the Bronx and Staten Island.

Despite opposition by New York City Mayor David N. Dinkins and other city officials, the Metropolitan Transportation Authority Board voted Dec. 20 to allow city transit police officers to carry 9mm semiautomatic pistols that fire twice as many rounds before reloading. Opponents believe use of the weapons could endanger bystanders on subway platforms. The guns will be introduced gradually over the next four years, said Transit Police Chief William Bratton.

A panel of three Federal judges ruled on Dec. 26 that landlords who are aware of drug trafficking in their properties have a right to keep the property if they show they withheld consent to the illegal activity. The judges of the 2nd Circuit U.S. Court of Appeals said they were not trying to gut asset-forfeiture laws in their opinion, but were seeking instead "to strike a balance" between the law enforcement and the rights of individuals.

**PENNSYLVANIA** — Nine people died on Pennsylvania highways over the Christmas holiday weekend, authorities reported. Over 500 people were injured in 898 accidents, according to State Police, who said 132 motorists were charged with DUI, 1,571 for speeding, 52 for seat-belt violations, and 1,113 for other violations.

After three years in hiatus, police decoy operations are resuming in the New York City subway system. Transit Police officials said 15 officers disguised as shoppers, businessmen, derelicts and tourists would be deployed as of Dec. 19 in an effort to dent an increase in subway robberies.

DeForrest W. Taylor, the former chief of personnel for the New York City Police Department, was sworn in Dec. 18 as chief of the 2,090-officer New York Housing Police.

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**ALABAMA** — Police bodyguards will continue to accompany Montgomery Mayor Emory Folmar in light of a plot by local gang members to kill him. Police said gang members tipped them off to plot to kill Folmar, who has a reputation of being tough on crime. His unoccupied car has been shot at twice since he took office in 1977.

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igned 13 top police officials Dec. 21, including the heads of the narcotics division and patrol forces in Brooklyn, the Bronx and Staten Island.

**ARKANSAS** — State Police were said to be close to completing their investigation into the fatal shooting of William Gannaway, 41, by Warren Police Chief Robert Outlaw. Outlaw is on leave with pay pending the results of the State Police probe. Black community leaders said Gannaway's shooting was unjustified. Police say that Outlaw fired after Gannaway pulled an object from his pocket and pointed it at the Chief.

**FLORIDA** — Federal marshals in Florida say they have spent more than \$360,000 on security and transportation for Manuel Noriega since the deposed Panamanian dictator was escorted out of the Central American country following last December's U.S. invasion. The "extraordinary costs" are associated with transporting Noriega from his prison suite at Metropolitan Correctional Center to court appearances in Miami, 24 miles away.

A memorial commemorating the 34 Broward County law enforcement officers killed in the line of duty was dedicated on Dec. 14. The nine-foot-high monument on the grounds of the Broward Criminal Justice Institute in Davie lists the name and date of death of each officer. The \$26,000 monument was the idea of the Broward County Police Chiefs' Association, which began a fund-raising drive to erect the memorial in 1986. "It is long overdue," said John Greeney, whose son John "Jack" Greeney III, a Broward County sheriff's deputy, was slain in February in a shootout with robbers.

**NORTH CAROLINA** — Lieut. R.W. Holden has become the first black commander in the 61-year history of the state Highway Patrol. Holden, 43, enlisted in 1969.

**TENNESSEE** — For the third time in 27 years, a white supremacist was indicted in the killing of civil rights activist Medgar Evers. Byron de la Beckwith, 70, was arrested Dec. 17 at his Signal Mountain home, but was freed on \$15,000 bond. He vowed to fight extradition to Mississippi, where Evers' killing took place in June 1963. De la Beckwith was twice acquitted of the charges by all-white juries in 1964 and 1969.

**Midwest**

**ILLINOIS** — The Chicago-based National Safety Council said at least 390 people died nationwide in traffic accidents over the Christmas holiday weekend. California had the highest number of deaths with 55, followed by Florida with 32, and Texas with 27.

**KENTUCKY** — Authorities say revenge was the probable motive for the drive-by shooting that left Lewis County Prosecutor Lloyd Spear's home riddled with bullet holes on Dec. 24. No one was home at the time of the incident.

**OHIO** — Retired Eastlake Police Chief William J. DePledge is no longer a

contender to head the Lake County Narcotics Agency. The agency's executive committee withdrew his name and decided to continue its seven-month nationwide search and conduct a second round of interviews for the job.

A man pleaded guilty in Cincinnati on Dec. 27 to felony charges of feeding drug-laced spaghetti to two women and then sexually assaulting them. Nicola Iannone, 35, who had fled to Italy but lost an extradition proceeding, was ordered held without bail pending sentencing Jan. 24 on two counts of gross sexual imposition.

In an effort to show that police are more than just "a figure in a car," Elyria Police Chief Rodger Griffith has assigned police officers to the city's crime-ridden Wilkes Villa housing project, where they will go door-to-door to meet residents and try to win their trust. "We're establishing a good rapport with citizens that we've never had before," said Capt. William A. Cameron.

Bowling Police Chief Galen Ash celebrated his 30th anniversary in policing on Dec. 25. Ash, who joined the department in 1960 and became chief in 1978, is currently serving in his second two-year term on the Ohio Organized Crime Commission.

**WEST VIRGINIA** — Monongalia County Sheriff Joe Bartolo was to meet with the County Commission late this month to discuss his easing of the commission's no-smoking policy for jail inmates. Bartolo said he eased the policy after smoking inmates became tense.

**Plains States**

**NEBRASKA** — Dec. 21 is the last day for Omaha police officers to file for retirement this year, Chief James Skinner said. The department has lost 13 officers to retirements and military call-ups related to the Persian Gulf crisis so far this month, he added.

**SOUTH DAKOTA** — Watertown police officer Greg Miller pleaded not guilty Dec. 18 to 11 burglary charges. He also pleaded innocent to two charges connected to break-ins at two firms in September. A hearing on the new charges was scheduled for Jan. 2.

**Midwest**

**OKLAHOMA** — A hearing was scheduled for Dec. 31 for ex-Weatherford police officer Randy Goucher, who is charged with falsely reporting that three people broke into his house, tied him up and forced him to play Russian roulette. Goucher recanted his story, and his estranged wife said he has suffered a nervous breakdown. [See also LEN, Nov. 30, 1990.]

**TEXAS** — The fatal Dec. 14 fatal shooting of black florist R.L. "Gunny" Rose by a white rookie police officer in

Dallas is prompting calls for an investigation. Officer Vincent Reetz was reportedly responding to a burglary report at the time of the incident.

**UTAH** — Former Alpine Police Chief Brent Leseberg, who was fired in October for allegations of improper conduct, recently received \$2,300 for vacation and overtime pay, and will receive \$2,700 in severance pay, town officials announced.

**Far West**

**CALIFORNIA** — Police officers in Los Angeles have agreed to participate in a random drug-testing program announced Dec. 13 by Mayor Tom Bradley and Police Chief Daryl Gates. The program will require a test once a year for each of the city's 8,400 officers, in addition to an annual 30-percent random sampling. If an officer tests positive for drugs, he or she can request a second test by a private lab. Preliminary testing will be conducted by the LAPD's Scientific Investigation Division.

Undercover detectives arrested 141 suspected drug dealers accused of selling narcotics to young officers posing as high school students at nine Los Angeles high schools, police said Dec. 14. More than six pounds of marijuana have been seized, and police say they are looking for 21 other suspects.

Los Angeles Sheriff Sherman Block, 66, said he has prostate cancer and will undergo surgery on Jan. 7. He expects to return to serve his ninth year in office after a six-week recovery period.

Blacks account for 12 percent of the drug users in Sacramento County, but make up 52 percent of drug-related arrests, the Sacramento Bee reported this month. Whites account for 75 percent of the county's drug users, but only 33 percent of drug-related arrests. Police deny they are targeting minorities.

Few owners are obeying a new state law that requires the registration of military-style semiautomatic weapons, said a state Department of Justice spokesman. Fewer than 7,000 of the estimated 300,000 weapons subject to the law have been registered, said Robert Drake. Those who fail to register such weapons before a Dec. 31 cutoff date risk a one-year jail term.

**IDAHO** — Gov. Cecil Andrus appointed Richard Cade, 57, to head the Department of Law Enforcement, and State Police Capt. Ronald Moore was tagged as State Police Superintendent, replacing the two former officials who were ousted in November after revelations that Idaho State Police routinely engaged in a pattern of selective enforcement. [See LEN, Nov. 30, 1990.]

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# Minn. judge calls crack law anti-black

A Minnesota district judge has invalidated the state's anti-crack law, ruling Dec. 28 that the law, which mandates harsher penalties for those convicted of possessing the cocaine derivative than for those convicted of possessing the same amount of powdered cocaine, unconstitutionally discriminates against blacks.

Judge Pamela Alexander of the Hennepin County District Court issued her ruling after hearing testimony that crack is used predominantly by blacks while powdered cocaine is the favored form of the drug among whites. At the behest of public defenders, Alexander dismissed crack possession charges against five black defendants, who were later rearrested on a lesser charge of cocaine possession.

Minnesota law had mandated four-year jail terms for first-time offenders convicted of possessing three grams of crack, while those convicted of possessing the same amount of powdered cocaine were sentenced to probation. Alexander ruled that not enough was known about the physical and psychological effects of the two forms of cocaine to warrant the harsher penalties for crack possession.

"There had better be a good reason for any law that has the practical effect of disproportionately punishing members of one racial group. If crack was significantly more deadly or harmful than cocaine, that might be a good enough reason. But there just isn't enough evidence that they're different enough to justify the radical difference in penalties," said Alexander, explaining her reasoning behind the ruling to the New York Times.

The controversial ruling set off a firestorm of debate, since more than half of the 50 states have or are considering enacting their own versions of the Minnesota law. Legal observers believe that if the ruling is upheld on appeal, similar laws could be successfully challenged elsewhere. Alexander's ruling is expected to be reviewed by the state's Supreme Court within the next couple of months.

The opinion has angered prosecu-

tors who believe areas of the United States that have been inundated by crack have also witnessed a corresponding rise in drug-related crime. "If it weren't so sad, it would almost be laughable," said Richard M. Wintory, director of

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the National Drug Prosecution Center in Alexandria, Va., a research arm of the National District Attorneys' Association. "Crack trafficking is the most serious form of black-on-black crime today, and for her to call crack penalties racially discriminatory is a cruel joke."

But Alexander's ruling was buttressed by a report issued the same day by the departing head of the Minnesota Office of Drug Policy. Jan Smaby told the Times that she has seen only "anecdotal evidence" that the two forms of cocaine are different, "most of it from police and prosecutors who tend to simply repeat each other after a while."

Smaby added that drug policy should not be formulated on "anything less than scientific evidence." Indeed, drug experts acknowledge that there are few studies on which to base the widely held belief that crack is more addictive and more physically and psychologi-

cally dangerous than powdered cocaine.

Dr. Roy Pickens, acting director of the Addiction Research Center of the National Institute of Drug Abuse, said researchers based their claims about crack on the fact that the drug is smoked and therefore reaches the brain faster than if it is snorted, as powdered cocaine usually is. Drug researchers also believe that smoking or injecting cocaine increases the user's susceptibility to addiction.

While inhaling crack smoke brings on the high more quickly than snorting it, Pickens noted, the high doesn't last as long. So a crack user would be more likely to want more of the drug sooner than users of powdered cocaine.

Pickens conceded, however, that clinical trials have provided no evidence that crack's pharmacological or chemical properties are more addictive than those of cocaine powder. Nor is there evidence to support the claim that breaking the hold of a crack addiction is harder than an addiction to powder cocaine.

Wintory said that stiffer penalties for crack possession were intended to alleviate some of the suffering in the largely minority neighborhoods where crack began to surface in the mid-1980s — not to incarcerate a disproportionate number of blacks. He also blamed the spread of crack use for the nation's spiraling crime rate. "To those of us on the enforcement side, [lack of clinical evidence] isn't even an issue," he said. "We see every day that crack is differ-

ent. Crack addicts become addicted faster, and they tend to be more violent when they need a hit."

Smaby disagreed with that assessment, saying that violent behavior can be explained by other societal factors — factors overshadowed by the "urban myths" that have developed about crack. "Haven't we learned by now that there is more violence among the poor and less-educated of the inner cities than among the well-to-do?" she said, adding that attitudes about crack's dangers do not justify "coming down a lot harder on people whose sins aren't much worse than those of well-to-do whites who are doing powder cocaine."

Legislators who helped draft Minnesota's tough crack laws two years ago were stunned by Alexander's decision and deny that the laws were enacted to target minority groups. State Senator Randy Kelly, a St. Paul Democrat who headed the legislative committee that drafted the law, told the Times: "We considered almost everything when we were putting the sentencing scheme together, but the one thing we never contemplated was targeting members of any single minority group."

Kelly said that committee members heard testimony from criminal justice officials and drug experts, and visited emergency rooms that treated addicts and maternity wards for addicted pregnant women. Police said that out-of-state gangs were setting up shop in the state for the sole purpose of expanding

their lucrative crack enterprises — a situation "we had never had before," noted Kelly. And while the evidence gathered by the committee was what Alexander and Smaby termed "anecdotal," legislators believed it to be reliable.

Kelly predicted that a Minnesota Supreme Court ruling would center on whether the Legislature had a plausible non-discriminatory rationale when it enacted the harsher crack penalties. If it found that such rationale existed, then Judge Alexander's ruling could be reversed. But if the court rules against the law, legislators say they will raise penalties for possession of powdered cocaine to those now in effect for crack possession. Wintory said such a move would serve a "political need for an appearance of racial balance" but would do little to deter crack-related crime.

The court could also refer the case back to Alexander after finding the judge did not have enough evidence to support the ruling. In that scenario, Wintory predicted another round of fact-finding will ensue to support contentions about the disparity between the two forms of cocaine — as the horrors engendered by the crack plague continue to engulf the nation. "Do you really need statistical reports and clinical studies? Fine, we'll get them. But while we're forced to spend our time doing more studies and collecting more statistics, more and more of those statistics will be piling up in the streets and in the morgues," he warned.

## Skepticism greets latest NIDA report on drug-use decline

The Federal Government reported Dec. 19 that current cocaine use among Americans has dropped 45 percent since the last Federal survey gauging U.S. drug-use trends was tabulated in 1988, but the news was greeted skeptically by some officials, including Senator Joseph Biden (D-Del.), who said the study vastly underestimated the number of hard-core users.

Health and Human Services (HHS) Secretary Louis W. Sullivan, claiming that the survey findings indicate a victory in the Federal Government's war on drugs, said that the National Household Survey on Drug Abuse also showed

continued significant declines in American drug use overall. "We are seeing the fruits of our long-standing efforts to rid this country of the devastating hold of illicit drugs," Sullivan said.

The survey, a probability-based sampling of 9,255 people representative of the U.S. household population age 12 and over who were polled by the National Institute on Drug Abuse (NIDA) between March and June, said that current cocaine use — defined as use of the drug at least once in the past month — has decreased by 72 percent since 1985. It said the number of current cocaine users dropped from 5.8 million, or 2.9 percent of the population, to 2.9 million, or 1.5 percent, between 1985 to 1988. In 1990, the decline in the number of users fell to 1.6 million, or 0.8 percent of the population.

Americans' use of all illicit drugs also declined, the survey found. It said 12.9 million Americans used illicit drugs

in 1990, a 44-percent reduction from the estimated 23 million drug users the survey noted in 1985. The number of adolescents using drugs fell by 13 percent, from 2.8 million in 1988 to 1.6 million in 1990. Cocaine use by adolescents fell 49 percent, from 225,000 in 1988 to 115,000 in 1990.

Sullivan acknowledged that "pockets of serious drug problems remain," including a large number of cocaine users who used the drug once a week or more. The survey indicated that 662,000 of the 6.2 million cocaine users in 1990

fit into that category, but the figure represented a decline from the 862,000 frequent users in 1988. The survey estimated that 336,000 people used cocaine daily, an increase from 1988's total of 292,000.

The number of crack users remained stable, according to the survey, which counted nearly 500,000 crack users among the 1.6 million current cocaine users tallied by NIDA.

Sullivan said that demographic groups with the highest rates of drug

*Continued on Page 8*

## Good news & bad news on drug use in NYC

New York City officials are voicing cautious optimism that the crack epidemic, while still a serious problem, may have peaked.

A report released Dec. 26 by the state Division of Substance Abuse Services said that a decrease in the numbers of street-level crack dealers — accompanied by a dip in their profits — indicates that the crack epidemic is on the wane. City officials have also pointed to such hopeful signs decreases in foster care admissions, the numbers of infants abandoned by their drug-addicted mothers and a drop in the proportion of prisoners who test positive for drugs.

At the same time, however, officials remain mystified, even angered by the Federal Government's recent

claim that cocaine use is down.

"For the Federal Government to say their hard work is paying off is an outrage," said David Conditte, who formulates drug policy for New York City Mayor David N. Dinkins. "It really makes me mad."

"The [Federal Government's] survey doesn't really pick up on the crack scene very well," said Bruce Johnson, a senior researcher for the non-profit Narcotic and Drug Research Inc. in Manhattan, during a New York Newsday interview. "People who are most likely to use crack are not in the households that would be sampled."

For those on the front line in the war against crack, the Federal Government's report offered little com-

*Continued on Page 8*

## Consolidation gets polite thumbs-down in Fargo

After months of study, Fargo, N.D., officials decided late last month not to pursue a plan to cross-train and consolidate the city's police and fire departments because of the prohibitive costs involved and concerns over whether such a move would enhance the level of services currently provided by the two agencies.

City Commissioner Steven Sydness, who heads the commission's public safety planning committee, said that while the three-month study found that a cross-training program would have provided some long-term economic benefits, the start-up costs could not be justified at present.

"From an economic perspective, while the consolidated departments would have been less costly, it would have taken us many years to recover the start-up costs associated with consolidation, and it was the consensus of the majority of the commission that the level of savings weren't sufficient to warrant the disruption and all of the potential aggravation that might have

gone along with the consolidation," Sydness told LEN.

The plan was formulated in an effort to "provide a higher level of service to the community... for the same amount of money or, if possible, a lesser amount of money," he added.

Start-up costs were estimated at nearly \$1.6 million, a figure that included \$860,000 in equipment expenses and an additional \$726,000 in training costs. The biggest single cost involved a new communications systems that would put fire and police personnel on the same frequencies, Sydness said. "We would have had to totally retrofit our communications systems and that would have been about a half-million-dollar operation," he noted.

Sydness said the city's fire and police officials "did not embrace the [cross-training] concept enthusiastically and were rather reluctant" to put the plan in motion — a feeling that Police Chief Ron Rafevold did not deny.

"I personally feel that you lose

*Continued on Page 6*

# People and Places

## It's a boy!

It's not everyday that a member of the male-dominated ranks of police chiefs has a baby. So it's newsworthy to note the birth of a boy to Houston Police Chief Elizabeth Watson on Dec. 14.

The child, named David Ryan, and his mother are doing just fine, according to Houston police spokesman Richard Retz. Watson, 41, an 18-year veteran of the department who is only the second woman to be appointed to lead a major U.S. police department, is expected to return to active duty in late January or early February. The proud father is Houston Sgt. Robert Watson, who is assigned to the department's motorcycle unit. David is the couple's third child.

Assistant Chief F.E. (Frank) Yorek has been serving as acting chief during Watson's maternity leave, although Retz noted that Watson has "never really been away" from her command of the 4,000-officer force, thanks to computer and facsimile hookups installed in her home.

## Family feuding

As if losing her husband, a Detroit police officer, to "friendly fire" weren't enough, Renee Buffa is now embroiled in a legal battle against in-laws who are seeking a share of a \$1.1-million wrongful death settlement she reached with the city in November.

"They're literally robbing my son of his future," said Buffa of her in-laws' attempts to snare \$100,000 of the \$721,000 she hopes to receive from the settlement reached between her and the

city in the death of her husband Jack Buffa, a 37-year-old narcotics officer, was fatally wounded by his partner, Mark Radden, as the two combed a dimly lit East Side building to investigate a shooting report in 1986. Radden was subsequently killed by another narcotics officer, and investigators ultimately concluded that neither group of officers knew the other was present in the building.

The estates of both Buffa and Radden sued the city, arguing that the killings resulted from inadequate police training and procedures. The city settled the cases out of court on Nov. 7 for \$2.1 million, but Renee Buffa has not received the payment.

Legal fees and court costs cut down Renee Buffa's share of the award from \$1.1 million to \$721,000, and after the settlement was reached, her in-laws, including her late husband's parents, brother and sister, filed claims for \$25,000 each. They rejected her counteroffer of \$20,000 apiece.

"If any of them needed it, I would gladly help them out, but they all live comfortable lives," said Buffa in an interview with the Detroit Free Press. Buffa, 34, now lives in Sterling Heights and is raising her seven-year-old son, Benny, on a \$21,000-a-year income.

The claims were filed by Jack Buffa's brother, Leonardo, who runs a home improvement company; his sister, Helen Zuccaro, a part-time hairdresser whose husband is co-owner of two banquet halls; and their parents, Benedetto, a retired carpenter, and Dominica.

Dominica Buffa said that Renee wants "all the money and doesn't want to give any to the family. What's the matter with my daughter-in-law? Someday she'll get another husband, but I'll never get another son."

Unless the two sides come to an agreement in the impasse, a judge will determine who gets what, said Southfield attorney Milton Greenman, who represented the Buffa estate in the lawsuit against the city.

Michigan law allows close relatives to file claims for relief in settlements of wrongful death lawsuits, Greenman noted. "The law anticipates that, in some cases, the surviving spouse or children may not be as close to the decedent as the decedent's mother, father, sister or brother," he said.

## Filling in at PERF

Aurora, Colo., Police Chief Jerry Williams was elected Nov. 18 as president of the Police Executive Research Forum in a special vote held to replace former Dallas Police Chief Mack Vines, who was forced to resign from the post when he was fired by Dallas officials in September.

Williams, a former Arvada, Colo., police chief who has headed the 384 officer Aurora force since 1986, will serve the remainder of Vines's term, which ends next July. Williams was opposed by Tuscon, Ariz., Police Chief Peter Ronstadt, who remains as PERF secretary.

"I am deeply moved that my colleagues would ask me to serve as president of one of the most important organizations in existence. I will endeavor to do the best job I can to help continue the excellent work of PERF," said

Williams in a statement.

About 75 percent of PERF's 196



Chief Jerry Williams

general members voted in the special election, said PERF spokeswoman Karin Schmerler.

In a related development, the PERF board at its November meeting appointed Richmond, Va., Police Chief Marty Tapscott to fill an at-large vacancy created by the retirement in September of Henry L. DeGeneste, superintendent of the Port Authority Police of New York and New Jersey. Tapscott, a 27-year veteran of the Washington, D.C., Metropolitan Police Department, served as Chief of Police in Flint, Mich., before being appointed to head the Richmond Police Department in July 1989. He has served on PERF's case study advisory board and is a past president of the National Organization of Black Law Enforcement Executives.

## The ears have it

Does the wearing of earrings by police officers interfere with their work, downgrade their public image and adversely affect the integrity of their departments? A Vernon, Conn., police officer doesn't think so.

Clarke Fischer filed a grievance in October with the state's labor relations board, in which he challenged the Vernon Police Department's ban on the wearing of earrings.

Fischer said in a Hartford Courant interview that the diamond-studded earring he wears in his left ear can help him build a rapport among street people. He also said he likes the look and noted that Police Chief Gary Kology also wears an earring during his off hours. But Kology said that he wears his earring only when out of town and added that it is important for police departments to maintain their image.

"Can you picture me walking into a Town Council meeting with an earring?" Kology said. "When people see you, they expect to see a clean-cut guy. The Police Department is — whether people want to acknowledge it or not — a quasi-military organization. We have to uphold certain standards."

Assistant Town Administrator Fred Turkington, who testified on Vernon's behalf at a state hearing on Oct. 5, said the town's police officers should be happy that the Police Department bans the wearing of earrings only while on

duty. Turkington noted that an Illinois judge earlier this year ruled in favor of the Peotone Police Department, saying the agency had the right to ban the wearing of earrings by police officers both on or off duty.

"We feel our rule is reasonable because we are only restricting officers from wearing earrings at work," he told the newspaper.

Other police officers interviewed by the Courant said that the wearing of earrings by males no longer has the taint it once did when those who sported such jewelry left their sexual orientation open to question. Attitudes on the practice varied from department to department, according to the Courant. For example, a West Hartford police officer filed a grievance several years ago and the local labor board allowed women — but not men — to wear earrings. In Hartford, the Police Department bans the wearing of earrings for both male and female officers.

However, in East Hartford, "a dozen guys... wear earrings, including a sergeant. At least a tenth of the patrol has them," said Edward Morin, who was the first male officer to pierce his ear four years ago. On the other hand, Morin noted, none of the agency's four female patrol officers wears earrings. "I just feel it's a safety factor for myself. I don't feel like getting my ears ripped off in a scuffle," explained Officer Eileen Sharkey.

Kology told LEN that a decision in the matter is not expected until January or early February because the local police union did not file its brief until early this month.

## Deutsch in dutch

Birmingham, Ala., Police Chief Arthur V. Deutsch and three other police officials allegedly tampered with arrest records stemming from the Fourth of July arrest of Mayor Richard Arrington's daughter, according to an indictment announced Dec. 10 by Jefferson County District Attorney David Barber.

Barber told LEN that an April 1 trial date has been set in the case, but that he was "not at liberty" to discuss specifics of the charges. Deutsch, who has also declined to make comments on the case, remains in command of the 700-officer police force — with the full backing of Mayor Arrington — and has vowed not to resign.

The misdemeanor charge of tampering with government records carries a maximum fine of \$2,000 and one year in jail, Barber said.

Also charged with Deutsch were police Sgt. Mike Lee, provisional Lieut. Bobby Howell, and Assistant Jail Administrator Robert Stone. The four turned themselves in to the Jefferson County Jail on Dec. 10, and were released on \$500 bond.

The charges stem from the July 4 arrest of Erica Arrington during a disturbance in the city's Five Point South section. She was charged with inciting to riot, failure to disperse and disorderly conduct, but was later acquitted in Birmingham Municipal Court on July 21.

The Birmingham News reported on July 5 that jail records concerning Miss Arrington's arrest had been altered — an account that was confirmed by jail workers. The newspaper reported that

police replaced the original docket page with a substitute page that deleted any record of her arrest. Two reporters saw the replacement page, the paper claimed. The following day, the newspaper reported that police officials had refused its request to release an incident report on Miss Arrington's arrest, and had deleted references to the arrest from the jail docket book.

Deutsch called the News account "absolutely ridiculous" and placed the arresting officer in the incident, Jerry Bahakel, on administrative leave. Miss Arrington had charged Bahakel with brutality during the arrest. In August, Bahakel received a 90-day suspension without pay "for improper use of a baton and giving false statements to investigators" in incidents unrelated to Miss Arrington's arrest.

On July 14, Lee, a close aide to Deutsch, said the Chief gave the order to remove the jail docket sheet as part of the investigation into Miss Arrington's arrest, and explained that such removals "happen all the time." Two days later, R.A. Stone, the second highest-ranking official at the jail, released a memo dated July 5 saying he was ordered by Lee and then-Sgt. Robert Howell to remove and destroy information concerning Arrington's arrest. Deutsch questioned the authenticity of the memo and denied that he had ordered the destruction of the arrest records.

In September, the Birmingham Fraternal Order of Police, in a bid to do "all we can to legally clear [Bahakel's] name and protect his rights," denounced Deutsch and urged local officials to investigate. Mayor Arrington said that because District Attorney Barber had done legal work for the FOP in the mid-1980's, his involvement in the case could pose a conflict of interest. But FOP president B.R. Stephens discounted that view and said he had "every confidence in the world in David Barber's integrity and impartiality. If there is any question of impartiality, it falls on the Mayor."

Bahakel was fired on Nov. 27 for "repeated acts of insubordination." He is pursuing a lawsuit in U.S. District Court, alleging harassment on the part of police officials and that his suspension was politically motivated.

Mayor Arrington has not made any comments in the affair since the announcement of the indictments, at which time he said that Deutsch and his staff will remain at their posts. "He and the members of his staff are innocent of all criminal charges unless and until they are proven guilty," the Mayor said.

**Who were the characters who made 1990 the year it was for law enforcement?**

**The answer to this question — and much more — is on tap in the Year-In-Review issue of LEN.**

**Coming soon.**

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# Pennsylvania aims for a drug-free state

There is much talk about the need to get the public more involved in the fight against drug abuse, but not a whole lot of action. In Pennsylvania that may

## BURDEN'S BEAT

By Ordway P. Burden

be changing. An alliance of business, labor, and medical and legal associations has formed the Foundation for a Drug-Free Pennsylvania, which aims to bring private-sector support to bear against drugs.

The foundation is expected to be the broadest-based, statewide private-sector initiative against drugs in this country. Its purposes are:

¶ To heighten public awareness of anti-drug programs that have been demonstrated to work;

¶ To serve as an educational and reference resource on drug issues for its member organizations;

¶ To serve as a conduit for financial, manpower, and in-kind contributions through which businesses, unions, organizations and individuals can help

## Speed trap sparks RICO suit against California city

Huntington Beach, Calif., officials are committing highway robbery by operating an illegal speed trap, claims a lawyer from nearby Seal Beach, who has filed a Federal lawsuit against the Southern California city in which he charges violations of the Racketeer-Influenced and Corrupt Organizations (RICO) Act.

Ernest J. Franceschi Jr. is awaiting judgment in a class-action lawsuit he filed earlier this year in U.S. District Court in Los Angeles, which accuses Huntington Beach officials of illegally operating a speed trap for nine years, an action that he contends violates Federal RICO statutes. In August, U.S. District Judge Stephen V. Wilson rejected the city's request to dismiss the suit, ruling in support of Franceschi's claim that the anti-racketeering law — historically used to dismantle organized crime syndicates — applied to the unusual case.

The suit seeks \$60 million in damages, most of it in reimbursements to motorists who have received speeding citations or paid fines during the period the alleged illegal speed trap was operated. It calculates that the city and the West Orange County Judicial District collected at least \$20 million in forfeited bail or fines during the 1980's. The RICO statute allows for treble damages.

On Dec. 3, a motion was filed in the case for a partial summary judgment. The court may decide to enter a judgment without trial, leading the way to a hearing to determine damages, Franceschi said in an interview with LEN. A ruling could occur in the next 120 days, he added.

"The predicate act that we're using here is extortion," said Franceschi. "Under California law, extortion is defined as the obtaining of money and property from another under color of official right or authority by threat of force or fear. So it's the 'color of official authority' prong that's being employed here, the argument being that

drug education, prevention and treatment projects;

¶ To serve as a clearinghouse through which the private and non-profit sectors can coordinate activities with government drug agencies.

The Foundation for a Drug-Free Pennsylvania is the brainchild of state Attorney General Ernest O. Prete Jr. He and Gov. Robert P. Casey will be non-voting advisers on the foundation's board of directors. Prete said that law enforcement alone cannot win the drug war, and the foundation is "a way to get non-governmental organizations actively involved in a unified, coordinated manner."

Prete first proposed the foundation concept two years ago in meetings with the Pennsylvania Business Roundtable and the state's Chamber of Business and Industry. Both groups were receptive, primarily because of their members' concerns about drugs in the workplace. (Nationwide, an estimated 10 percent to 15 percent of workers are abusers of drugs, including alcohol.) Out of those talks came the decision to expand the foundation's purpose to

include the larger community, and so organizations representing labor, law and medicine were added.

Elsewhere in the nation, at least three business groups are supporting the fight against drugs in the workplace. They are Businesses Against Drugs of the Miami Chamber of Commerce, the Washington State Drug Free Business Initiative, and Corporations Against Drug Abuse, in Washington, D.C. But the Foundation for a Drug-Free Pennsylvania is the first statewide coalition of business, labor, and the medical and legal professions to bring financial support to the drug battle.

The foundation's board, headed by Robert M. Valentini, chief executive officer of Bell of Pennsylvania, has developed a two-year plan of program objectives, but the nuts and bolts of staffing are yet to be decided. The foundation may hire an executive director, contract with a consulting firm that has expertise in drugs, or use loaned executives to do the work. It is expected that retired executives will work as volunteers for the foundation.

"We're still in the infancy stages of getting the organization up and running," said Senior Deputy Attorney General Kathleen F. McGrath, who is assisting the board. "But the goal is

certainly that this is a place people can come to with questions, and if the foundation does not have the expertise to provide the answers, it will know where to direct the call." McGrath said the foundation probably will not do research, but instead will fund any studies it wants. "If, for example, the board wanted a survey on how effective prevention programs are in high schools, it would provide funds to contract out the survey," she said.

McGrath and Prete are advising the board but are kept at arm's length by a rule that gives them no vote on decisions. "We wanted to avoid any potential conflicts in the event the foundation would want to give money to government or the government would want to give money to the foundation," McGrath said.

Because 6 of the 11 organizations that incorporated the foundation are business-oriented, one of its primary targets will probably be drugs in the workplace. The foundation is expected to give guidance to companies trying to combat drug abuse by workers on the job and in their personal lives. Workplace drug abuse costs business and industry an estimated \$60 billion a year; alcohol abuse adds \$11 billion to the bill.

The incorporators of the foundation are the Pennsylvania Business Roundtable, the Pennsylvania Chamber of Business and Industry, the Pennsylvania Manufacturers Association, president William George of the Pennsylvania AFL-CIO, the Pennsylvania Bar Association, the Pennsylvania Medical Society, the Citizens Crime Commission of the Delaware Valley, Larry Holmes Enterprises Inc., the West Branch Manufacturing Association, the Manufacturers Association of the Tri-County, and the Manufacturers Association of South Central Pennsylvania.

It's, of course, much too early to say whether the Foundation for a Drug-Free Pennsylvania will have a big impact on the drug problem in the state, but it is a heartening experiment in public-private sector collaboration. Others states would do well to consider the same thing.

(Ordway P. Burden is president of the Law Enforcement Assistance Foundation and chairman of the National Law Enforcement Council. He welcomes correspondence to his office at 24 Wyndham Court, Nanuet, NY 10548-3845. Seymour F. Malkin, executive director of LEAF, assisted in the preparation of this article.)

## Richmond residents, police take aim against drug dealing

Officials in Richmond, Va., say that the Police Department's "urban violence strategy" has shown promising results in helping rid the city of open-air drug markets and establishing a number of "drug-free blocks," and has spurred efforts to rehabilitate neglected properties that had been co-opted by criminals.

Yet perhaps a more important outgrowth of the three-month-old strategy, they say, is the increased cooperation noted between residents and police.

Community cooperation is an integral part of the strategy, said Police Chief Marty M. Tapscoff in an interview with the Richmond Times-Dispatch. In September, police targeted several areas of the city where open-air drug markets flourished, and police officers met with residents of blocks where drug dealing had become the norm to set up surveillance activities.

"I am convinced after talking to so many of our residents that we are heading in the right direction," Tapscoff told the newspaper.

The city's first "drug-free block" is located in city's East End, where residents last summer complained that police were not doing enough to rid the area of drug dealers. Under the program, at least 80 percent of the residents agree to help police displace drug dealers by calling them whenever drug activity is observed. In exchange, police give the block high-priority responses to calls and maintain a high-profile presence.

Selective enforcement units carry out the dirty work of shutting down open-air drug markets and flushing out criminals who have entrenched themselves in some of the city's neighborhoods. State troopers work alongside city police in the effort, which arose from a precedent-setting agreement. They also serve drug search warrants

and clamp down on prostitution rings.

The program is similar to the Selected Neighborhood Action Patrol that was begun in the mid-1980s but which was succeeded by a strike force targeting firearms and drug trafficking. The strike force is still a major part of Police Department's anti-crime effort, although it has since been divided into separate units that operate in the city's three precincts. The department also maintains a separate narcotics division that focuses its efforts on long-range, undercover operations.

The selective enforcement units have made some headway in the con-

tinuing battle, partly because the unit is staffed with officers who try to formulate innovative approaches to fight the drug trade. In one section of the city targeted by the units, 70 of 214 arrests in the area as of Dec. 7 were drug-related, and 133 grams of cocaine and \$15,000 in cash had been seized. On nights when drug activity is slow, the units turn their attention to prostitution, and have made more than 70 arrests in one block alone.

On the city's South Side, occasional unannounced checkpoints have been set up at the entrances of housing developments.

Continued on Page 9

## Two-wheeled strategy spells success for one Florida agency

The Palm Bay, Fla., Police Department is the latest agency in the state to take officers out of patrol cars and put them onto bicycles in an enforcement strategy that will use the two-wheelers to prevent car break-ins and parking-lot purse-snatchings in the city's four shopping malls.

The Palm Bay agency joins those in Miami Beach and Hollywood, and about 70 other U.S. police departments that have followed the Seattle Police Department's lead in forming bike patrols to offset crimes in places hard to reach by patrol cars.

"Bikes aren't the only answer. But anything that gives us a better shot at doing the job is worth a try," said Palm Bay Police Chief Robert Rossman in an interview with the Miami Herald.

Lieut. Jim Veltri and Officer Gus Williams will mount sleek Nashiki mountain bikes in an effort to snare purse thieves and car burglars that prey

on shoppers at local malls. Rossman said the bikes afford officers greater mobility, low visibility, and add an element of stealth and surprise in places where patrol cars can't reach. Officers who patrol by bicycle tend to be in better physical condition than their patrol car-bound counterparts, and Rossman noted that many of the department's 100 sworn officers are already avid long-distance bicyclists.

Bike patrols are already a fixture in the Hollywood and Miami Beach police departments. Miami Beach boasts one of the largest bike patrols in the nation, and Sgt. Gary Berger said the 18-officer unit has provided the department with "good results" in its crime-fighting efforts. One officer managed to maneuver through bumper-to-bumper traffic and sneak up on a car occupied by a man wanted on a murder warrant. "No car could ever have made it through the traffic," Berger said.

The suit also alleges that the City of

Continued on Page 8

# Domestic violence, drugs fuel new rise in homicide in 1990

Continued from Page 1

could be attributed to an increase in the city's population as the Oil City continues to make an economic rebound. Crack use is also more prevalent than in the past, and drugs figure in about one-third of the killings recorded in 1990. "Drugs probably account for a lot more but [investigators] aren't able to make that concrete connection," Retz added.

Police in San Antonio also attributed a rise in population — the result of a brighter economic outlook and an extension of city boundaries — for its record-breaking homicide toll of 218 victims. "But if you look at the percentage of murders on a per-capita basis, we're really down 2 percent," said police spokeswoman Sandy Perez.

Increases in firearms, drug trafficking and the number of felons granted early release from prisons were the reasons given by Dallas police spokesman Sgt. Jim Chandler for that city's record-breaking 447 homicides in 1990.

Philadelphia police spokeswoman Sgt. Theresa Young told LEN that many of the city's 525 victims died as a result of "violent, drug-related crime." Noting that the city's homicide rate set a record for the second consecutive year, Young added: "More people than ever have firearms and when they go to settle a squabble, they pick it up and use it."

The deadly combination of guns and domestic violence was cited by police in Providence, R.I., Milwaukee, and other cities, including Memphis, where police gave an unofficial 1990 homicide toll of 207. Sgt. John Dwyer of the Police Department's planning and research unit said that while some of the deaths were drug-related, do-

mestic violence played a major role. Many victims were murdered by other family members or acquaintances, Dwyer noted, adding that police have opened a Family Trouble Center aimed at decreasing the incidence of domestic violence.

Domestic violence was also seen as a major factor in many of Boston's 150 homicides in 1990, said police spokeswoman Jill Reilly, who noted that 53 percent of the city's homicides were committed in the context of a family dispute, and 82 percent of the killings were committed by acquaintances of the victims. Firearms were used in 47 percent more killings in 1990 than in 1989, and in 58 percent of the homicides, illegal firearms were used.

More startling, however, is the toll that homicide has taken among the city's youth. Reilly said two-thirds of the victims were 30 years of age or younger. Between 1989 and 1990, the number of juvenile perpetrators increased 44 percent, and in the same period, the number of juvenile victims increased 33 percent. "There seems to be an increasing ease with which young people are willing to use weapons to settle disputes," Reilly said.

Not all U.S. cities posted homicide gains, however, and some actually noted decreases. Homicides dropped in San Jose, Calif., during 1990, a development that Police Chief Joseph McNamara attributed partly to a policy of "discouraging ownership of handguns," said police spokeswoman Veronica Damon. Narcotics teams have "literally driven crack dealers" out of the city and the Police Department vigorously cracks down on those who commit crimes with guns, she added.

Recent published reports also indicated stable or decreased homicide rates in Atlanta and Denver. In Miami, 146 homicides occurred in 1990, compared with 151 in 1989.

Sociologists and criminologists say the increase in violence in America can be explained by the historical role violence has played in U.S. society. But they also warn of a generation coming of age that is inured to violence. "It's often said that Americans have a love affair with violence, but in reality it's more like a marriage," said James A. Fox, a professor of criminal justice at

## Homicides in 26 Major U.S. Cities, 1990

City	1990 Total	1989 Total	Record (Year Set)
Atlanta	(N/A)	246	(N/A)
Baltimore	305	262	330 (1972)
Boston*	150	100	135 (1973)
Bridgeport, Conn.**	61	44	44 (1989)
Chicago	849	747	970 (1974)
Columbus, Ohio	92	97	97 (1989)
Dallas*	447	356	364 (1988)
Denver	70	58	(N/A)
Houston	617	512	701 (1981)
Indianapolis	67	41	80 (1988)
Jacksonville, Fla.	177	169	187 (1988)
Los Angeles	991	877	1,028 (1980)
Memphis*	207 (unofficial)	141	181 (1988)
Miami	146	151	(N/A)
Milwaukee**	165	116	116 (1989)
New York***	2,200 (unofficial)	1,906	1,906 (1989)
New Orleans*	306	251	251 (1989)
Oakland, Calif.*	161	148	148 (1989)
Phoenix*	131 (through Nov.)	126	128 (1986)
Philadelphia**	525	501	501 (1989)
Providence, R.I.**	31	28	28 (1989)
San Antonio, Tex.*	218	169	190 (1982)
San Diego	135	121	144 (1988)
San Francisco	101	71	130 (1981)
San Jose, Calif.	36	50	(N/A)
Washington, D.C.***	483	434	434 (1989)

**Key:**

N/A -- Not Available

\* -- Broke Existing Record

\*\* -- Broke Record Set in 1989

\*\*\* -- Broke Record for Third Consecutive Year

**Sources:**  
Police Departments,  
FBI Uniform Crime Reports

Northeastern University in Boston, in an Associated Press interview.

Fox, who has tracked homicide patterns since the mid-1970s, said that members of the "baby boomerang" are responsible for burgeoning homicide rates. "The post-World War II children responsible for the crime wave of the 60's and 70's grew up and outgrew crime. And then it went down," said Fox. But now, he said, offspring of the baby-boomers are entering their most crime-prone years, and as a result, the worst is yet to come.

"These are just signals of what is to come more generally in this country

through the rest of this century as the baby boomerang expands the adolescent population. It's definitely going to get worse," he told New York Newsday.

Exacerbating the trend will be a worsening economic outlook with few opportunities for the unskilled and the uneducated. "There's a declining blue-collar job market and a withdrawal of investment in education, housing, health care and cultural activities which would be the support to allow some people to make some choices," said Mel Grizer, executive director of the United Community Center in Brooklyn, N.Y. "I

think for a lot of young men in the community, they see a society and a job market that demands a high level of educational skills and technical skills. They see that's not the way they're going to be able to make it. The only way is criminal activities. That entails violence."

Mark Naison, a professor at Fordham University in New York who studies urban affairs, added: "You have a complete breakdown in authority in a lot of inner-city neighborhoods — authority in the family, authority in social institutions. Without that, you have anarchy."

## Crack dealers decline in NYC, but officials see dark cloud to go with their silver lining

Continued from Page 3

for "Whatever is happening in Middle America hasn't happened in New York," said Chief John Hill, who heads the New York Police Department's narcotics division.

"We have one critical problem after another — strokes, bleeding on the brain, early delivery, miscarriages, acute psychiatric problems," noted Dr. Lewis Goldfrank, the director of emergency services at Bellevue Hospital Center.

The state's substance-abuse agency followed the lead of the National Institute on Drug Abuse late this month with its own optimistic assessment of New York City's crack scene. Its report said that the numbers of crack-dealing gangs besieging city streets are declining in

size and number, and their members are making smaller profits.

"The six- or seven-person crews, which had been common in medium and heavy drug-copping locations, have largely disappeared," the state agency said in its latest semi-annual report. Most street-based crack markets are now manned by one or two people, it added.

Louis Ganin, a spokesman for the agency, told the New York Times that "[I]ndicators that showed tremendous growth in crack and cocaine use from the mid-1980's to 1989 show that this is no longer happening."

Ansley Hamid, an anthropologist at the John Jay College of Criminal Justice who has studied drug use in New York City for 20 years, said that his

research also indicates that the number of crack sellers on city streets is declining. "Where you had maybe 15 to 25 people selling on a block in Harlem, now you might have three," he said.

On the downside, the state report noted indications pointing to an increase in heroin use. The report said state field workers have found that heroin use, which plagued New York and other cities in the 1960's and 1970's,

may be making a comeback as more people in their early 20's begin experimenting with the drug. Federal officials say that heroin is being smuggled into the country in record quantities, and Ganin said that heroin dealers were expanding their outlets and introducing new brand names. Younger users are turning to heroin because of the stigma and danger associated with crack use, experts believe.

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# Forum

## Other Voices

(A sampling of editorial views on criminal justice issues from the nation's newspapers.)

### Police use of force

"A series of police brutality cases here this year has left serious doubts about whether officers are trained adequately for potentially violent confrontations. This is a critical issue because violence — much of it fed by drugs — is increasing in contemporary society. The problem of threatening suspects is likely to rise rather than diminish. The incidents, which have drawn allegations of excessive force and shootings, have prompted review of the department's policies and the directions it gives the force. Recently, a special task force of police personnel named by Police Chief Steve Bishop made its report and recommendations. The task force approach is comprehensive. The psychological screening of applicants for the department should be intensified. The behavior of officers should be monitored closely to discover those who have problems in dealing with violent suspects. Training for recruits and periodic orientation sessions for officers should include increased emphasis on use of force. The education should be based on policy designed to prepare and direct how force should be used. There are no guarantees in any of this. There always will be situations in which police officers will have to make a decision in seconds that their superiors and the public can criticize at length in safety and with hindsight. The department is doing what it can do to prepare officers as best they can be for dangerous entanglements. This is not necessarily a short-range venture, although it is hoped the dividends from this new emphasis will be seen soon."

— *The Kansas City Star*  
Dec. 9, 1990

### Find the money for more cops

"Last week's refusal by the state Legislature to raise city taxes to pay for thousands of new cops — if the decision stands — means only that City Hall must now find the necessary money elsewhere. It does not — and should not — mean the plan itself is dead. There is, after all, general agreement on the need for a vastly strengthened NYPD — and for good reason: Violent crime is destroying New York City. The Legislature, however, is deeply suspicious of the city's long-term commitment to an expanded police department. Thus, Albany, at least for the moment, has refused to approve City Hall's \$1.8-billion, six-year police hiring plan. The problem, as defined by state Senate Republicans, is that City Hall refuses to guarantee that the entire municipal budget appropriation for cops actually will be spent on cops. Frankly, we share the suspicion that there's more enthusiasm for social spending than for cops in certain corners of City Hall, notwithstanding the crime crisis. We, too, would like ironclad guarantees that all the dollars earmarked for cops go to cops. Those guarantees, it seems, don't yet exist. Moreover, we're less than thrilled about the notion of a \$450-million tax increase to hire the new cops — not when the overall city budget stands at \$27 billion-plus, which seems plenty high enough to guarantee safe streets in the first place. If the Legislature ultimately approves the plan, fine. But a failure to do so will not mitigate the crime crisis. We still need the additional cops. So let's hire the cops, any way necessary."

— *The New York Post*  
Dec. 17, 1990

### City panhandling law

"The Washington State Supreme Court has given sound support to Seattle's three-year-old city ordinance against aggressive panhandling. The high court's ruling reverses Municipal and King County Superior Court decisions that the ordinance was unconstitutionally 'overly broad, vague and unreasonable.' The ordinance, reasonably enough, makes it illegal for someone to intentionally block the flow of auto or foot traffic intentionally or to beg aggressively 'with intent to intimidate another person into giving money or goods.' It's as simple as that. The ordinance is a useful, and constitutional, police tool to prevent pedestrians from being unduly harassed on city streets."

— *The Seattle Post-Intelligencer*  
Dec. 11, 1990

### Drug treatment could cut crime

"Crime and drugs. Drugs and crime. You don't have to be a criminal justice expert or a social scientist to know there was a connection between the crime explosion of the last decade and the increased use of narcotics, especially cocaine and its treacherous derivative, 'crack.' Politicians and prosecutors around the country decided they knew the answer, even for offenders who commit non-violent drug-related crimes: Build more prisons. So Georgia, like the rest of the nation, went on a prison-building spree. Has it helped? Though experts believe narcotics use has finally peaked, the cycle of drug-related crime that spun out of control during the 1980's has not diminished. That's because many offenders return to the streets with the same old habits. Substance abusers are more than twice as likely to return to prison as non-abusers. Merely locking up offenders with drug habits and drinking problems has not cut the crime rate and will not. Nor can the state build enough prisons to hold them all. There is another approach Georgia should try: Drug treatment for felons. Yes, providing treatment will add costs, as little as \$200 more annually per inmate. But the state already spends \$16,060 a year to warehouse each offender in prison. Spending additional funds on treatment may ensure some of them can stay out of prison once released, cutting the crime rate and reducing the amount of money Georgia would have to spend on new prisons in the future. Drug treatment programs in New York and Oregon have shown dramatic results in slicing the recidivism rate. Georgia's Legislature has tended not to take drug treatment, especially for prisoners, seriously. The result of its failure is clear: The state has drained its coffers building prisons, but the streets are still not safe."

— *The Atlanta Journal and Constitution*  
Dec. 15, 1990

### The marketplace of ideas:

*The "Forum" section of Law Enforcement News can provide you with a veritable shopping-mall of ideas on topical criminal justice issues. Whether you're in the market for a few good ideas or are trying to sell a few of your own, "Forum" offers you unsurpassed one-stop shopping. For information on contributions, contact the Editor at (212) 237-8442.*

### Murphy:

## The police need mayors' leadership

By Patrick V. Murphy

The "war on drugs" can be won only at the community level. The front-line soldiers are neighborhood police officers. The partnerships they form with the people are critical in preventing crime and drug abuse. They face a complex task of dealing with criminality, deviance and sick behavior. Their effectiveness is diminished by the inherent weaknesses of an uncoordinated, fragmented, insular non-system of policing that is perpetuated by Federal and state neglect. It is not a network. Criminals and the drug supply slip through it with ease. Wide variations in personnel standards, organization, management and policies indicate how little is known about what works.

The Federal Government's neglect of the poor, the homeless, housing needs and other root causes of crime has increased the heavy burden of the police. Mayors, who collectively have a national responsibility to upgrade the police service, have no alternative but to support in every feasible way the dedicated, courageous officers who protect every American from the criminal and the pusher. Every mayor has a delicate relationship with the police department. Responsible for policy direction and control, a mayor must walk a narrow line in avoiding even the appearance of influencing officers' discretion.

Mayors in several cities are faced with increasing rates of murder and other violent crime associated with drug trafficking. The problem is heavily concentrated in neighborhoods suffering from poverty and related social problems. The police are handicapped in attempting to control crime where its root causes are severe. Good policing, however, can significantly improve the safety of residents even in disadvantaged areas, as contrasted to policing that is flawed by outdated policies, unbending traditions or untested assumptions.

Good policing also empowers residents to strengthen their neighborhoods to establish values and better protect themselves with the assistance of their patrol officers. Finally, that empowerment enables them to impact the political process to correct social and economic injustices that cost the body politic far more than the cost of eliminating them. Police work is a vocation dedicated to justice. It should combat injustice by protecting the rights of every citizen. To accomplish that worthy goal, neighborhood officers must be more than reactors to crime. They must assist residents through "problem-solving policing" to eradicate the underlying causes of crime. It is the most productive kind of crime prevention.

Departments vary widely in their effectiveness. There is little consistency in their policies, each does its own thing. There is no "bible" that identifies best practices or the state of the art. Chiefs are evaluated on factors extraneous to the actual performance of their departments. Mayors, the public and the news media, lacking standards against which to measure effectiveness, must rely on their perceptions, public opinion, news media biases and other unreliable factors in judging the performance of a chief or a department.

The anonymity of urban life is an advantage for the criminal. It presents the police with their greatest challenge. They must overcome that anonymity in assisting every small neighborhood to become a strong community exercising social control. The teamwork of a patrol officer and about 1,000 residents she or he protects is the most powerful weapon in preventing crime.

Cities are blessed with hundreds of thousands of dedicated, courageous officers and chiefs. However, their departments are handicapped by the neglect of state and Federal governments in failing to provide an adequate support structure. Fifteen thousand local departments cannot be an

effective crime control network without comprehensive assistance from higher levels of government. They need: coordination at regional, state and Federal levels; better communications; better records systems, more operational and management information; planning and goals, state personnel and performance standards; training programs across departments; educational opportunities; executive development; technical assistance; research and experimentation; a body of knowledge; dissemination of research findings; personnel exchange programs, and professional upgrading.

A widespread misunderstanding of the work of officers continues to impede the progress of policing toward professionalism. The President's Crime Commission in its 1967 report identified the professional characteristics of the work of every officer. Broad discretion combined with the power to investigate, surveil, search, detain, arrest and use force, including deadly force, make one's decisions as consequential as those of recognized professionals. It called for a baccalaureate as a requirement to practice. Unfortunately, the service remains a craft progressing only slowly toward the higher standards it requires if it is to fulfill its responsibility to create communities strong enough to protect themselves and fully participate in a democratic society.

Unfortunately, the police themselves have not given strong enough support to higher educational standards or the professionalism that will flow from them, although individual departments have been supportive by providing tuition payments, salary incentives for advanced education, or higher educational requirements for entrance and/or promotion.

There are neither management organizations nor professional associations dedicated to professionalization. Chiefs' associations, at both the state and national level, are dominated by small-town chiefs. There simply are more of them, and

*Continued on Page 10*

(Patrick V. Murphy is Director of the Police Policy Board of the U.S. Conference of Mayors. This commentary is adapted from an article that appeared in *U.S. Mayor*, the official publication of the USCM.)

## Letters

To the editor

I am looking for assistance from your publication's readers for the purposes of documenting specific cases or incidents where any unusual, unconventional, disguised and exotic personal weapons were used against any police officer or attempted to be used against a police officer. Or, if there are no such incidents, cases where these types of weapons were criminally used against a citizen or instances where individuals were criminally charged with carrying these weapons.

The purpose of this research is to identify specific instances where these weapons are carried or used. The data collected can then be used as specific documented instances of the many dangers of these types of weapons. This information may also be used for court purposes as evidence that these types of weapons pose real dangers to law enforcement and the citizenry.

Any assistance received in these efforts will be greatly appreciated, in addition to being of benefit to the law enforcement community.

EDWARD J. NOWICKI  
9611 400th Avenue  
P O Box 1003  
Twin Lakes, WI 53181-1003

*It doesn't add up:*

## Paper won't pillory convicts for judge

A Florida judge who ordered persons convicted of certain misdemeanors to buy ads in a local newspaper that detailed their offenses and showed their photographs has backed off from the order after the newspaper's publisher refused to allow his publication to "become a vehicle for court-ordered public humiliation."

"I'm not going to force people to do something they can't do," said Escambia County Judge William White on Dec. 19, after the Pensacola News Journal declined to accept the court-ordered ads. "I've asked my secretary to call the defendants and tell them that I'm waiving the advertising requirements."

White made the remark after Kenneth Andrews, the News Journal's publisher, said the paper would refuse to sell advertising to about a dozen defendants, most convicted of misdemeanors like soliciting for immoral purposes, shoplifting and drunken driving.

"Although we understand Judge White's intent, the newspaper as a matter of policy does not wish to become a vehicle for court-order humiliation," Andrews said in a statement. "The advertising columns of the newspaper are open for free and voluntary expression within reasonable bounds of propriety and if the ads ordered by Judge White are accepted, other courts may consider involuntary newspaper advertising as a potential method of punishing defendants."

White, who is known for meting out innovative sentences to convicted offenders, ordered the defendants on Dec. 14 to purchase enough space in the newspaper to show their photographs and list their names, the charges against them and their pleas. An ad such as that ordered by White — one column wide and two inches deep — would cost \$72.40 in a Sunday edition of the News Journal.

White said he imposed the unusual demand to serve as a deterrent to crimes like shoplifting and drunken driving, which usually rise during the holiday season. He added that the growing threat of AIDS was the reason behind imposing the sentence on those convicted of soliciting sex. "When you've got an

AIDS epidemic, they're not just risking their life. They're risking everybody's life," White told the Associated Press.

In a letter to Anderson published by the newspaper after its refusal to print the ads, White said he got the idea from Indian River County Judge Joe Wild's program of putting pictures of DUI offenders in the local newspaper.

"I hadn't heard of anything else that costs the taxpayer next to nothing and seems to have a real deterrent effect. The News Journal regularly prints classified photo ads with pictures for things like birthdays, so I assumed there'd be little difficulty in being paid to do the same for court purposes. Because the paper regularly publishes articles with photographs of people who have only been accused of misdemeanors and are still presumed innocent, I did not contemplate the possibility that it would refuse to accept considerably less prominent notice paid for by a person who pled no contest or guilty or had been sentenced," White wrote.

White also called on the newspaper to "take a leadership role in the fight against crime" by aiding in the organization of a task force drawing "on the resources of the entire community to work to rehabilitate the offender, but also to deter and prevent the crime."

In an editorial, the newspaper applauded White's concerns and his efforts against crime, but said "the linkage of court-ordered penalty and the free and open advertising space of the newspaper presents a disturbing trend that the News Journal must resist as a matter of policy." The paper said its decision not to accept the ads "was based not on the issue of harsh realities — we agree penalties must remain firm and judicially even-handed — but the fact that under the free press concept the newspaper is simply not an instrument of the penal justice system."

Florida misdemeanor statutes generally allow judges the authority to impose one-year jail sentences, probation, fines or orders to perform community service. White's waiver of the sentences involving the ads will not allow him to re-sentence the defendants, but other parts of the sentences will remain in effect.

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## Video re-creation of crime is new tool for defense counsel

It didn't help his client — a jury convicted the defendant of murdering his wife — but Connecticut attorney Hubert J. Santos' use of a videotaped dramatization of the crime, in which he sought to prove that the murder of Lorelei T. Rasmussen was committed by an intruder, illustrates that the video age has indeed arrived in the nation's courtrooms.

During his defense of Eric C. Rasmussen, Santos showed a re-enactment to bolster his theory behind the murder — that an intruder, armed with a spear, climbed through a first-floor window of the couple's Montville home on May 5, 1988, and committed the murder, before fleeing by jumping from a second-story window. Santos wanted to convince the jury that it would be easy for an intruder — played in the video by Rasmussen's brother, Hans — to enter and flee the home.

Kevin T. Kane, the assistant state's attorney in the Rasmussen case, objected to Santos' playing the re-enactment, saying it was misleading. Judge John F. Walsh allowed the videotape to be played. But the jury didn't buy Santos' theory and convicted Rasmussen on Dec. 13. Especially damaging was the revelation by Rasmussen during cross-examination that he had practiced jumping off the roof of his brother's house five times.

Legal experts said that while Santos' use of a videotaped re-enactment may have failed to convince the jury of his client's innocence, the ploy represents an innovative and revolutionary approach that will be increasingly applied by both prosecutors and defense lawyers.

"It's innovative. It's creative," said Hugh Keefe, a New Haven defense lawyer and a law professor at Yale University. "Jurors love pictures, diagrams. They love color photographs, videotapes. They love anything that they can look at, feel, touch, other than lawyers and witnesses."

In an interview with the Hartford Courant, Keefe said that videos can alleviate the boredom that sometimes sets in as a jury hears arguments in a protracted trial like the Rasmussen case. That jury sat through two months of testimony from more than 50 witnesses and examined more than 350 pieces of evidence before convicting Rasmussen, who had maintained his innocence throughout the trial.

"Videotape has a tremendous potential for influencing jurors because this is the video generation," said Paul Rothstein, a law professor at Georgetown University in Washington, D.C. "People pay a lot of attention to the little screen."

Prosecutors and civil trial lawyers

have used videotapes for several years, but it is almost unheard of for defense lawyers to use them. A videotaped re-enactment is even more unusual and has been used only about a half-dozen times in the past decades, according to legal experts. One reason they aren't used more often is because defense lawyers often have difficulty in persuading judges to allow them as evidence, and because videos can be prejudicial.

"Videotape, being a very powerful medium, can mislead, especially when it's a videotape of a hypothetical," said Rothstein, an author of several books on Federal and state evidence rules. "There's a great danger that it takes on an aspect of truth."

Rothstein said he believes that videotapes should not be entered into evidence unless either side has no other way of presenting its theory.

Others say that video re-enactments can lend themselves to too much interpretation. A Washington, D.C., jury did not believe the prosecution's videotaped version of a homicide after deciding that the videotape gave an inaccurate time frame for the murder, said Charles J. Ogletree, a Boston defense lawyer and law professor at Harvard University, who defended the suspect. "The video filled in the holes that the prosecution didn't," he said.

## Survey sees drug use dipping, but one Senator begs to differ

Continued from Page 3

use included adults ages 18-25 (14.9 percent); blacks (8.6 percent), urban dwellers (7.3 percent); residents of the western United States (7.3 percent); and the unemployed (14 percent).

Marijuana remains the illicit drug of choice in America. About 66.5 million Americans — or 33.1 percent of the population — have tried the drug once; 20.5 million have used it at least once in the past year. Of the latter group, 5.5 million used marijuana once a week, and 3.3 million smoked the drug almost daily. "Current" use of marijuana — use anytime in the month prior to the survey — continued a decline first noted in 1979, when there were 22.5 million users, to 10.2 million users in 1990.

Other survey findings included:

• Over 4.8 million of 60.1 million women ages 15 to 44 have used an illicit drug in the past month, with 500,000 of them users of cocaine and 3.9 million users of marijuana.

• Nearly 25 percent of fully employed Americans ages 18-34 used illicit drugs in the past year, and more than 10 percent used an illicit drug in the past month.

• Americans age 20-34 who did not finish high school used drugs more than their counterparts who completed high school.

Despite the optimism of the Bush Administration that strides are being made against drugs, other officials did not share that view. On the same day the HHS survey was released, Senator Biden issued a separate study, prepared by the majority staff of the Senate Judiciary Committee that he chairs, which asserted that the Administration undercounted the numbers of hard-core cocaine addicts and weekly heroin users. The NIDA study, Biden said, "actually misses more addicts than it counts. Even

ex-Drug Director Bill Bennett said that he never used the NIDA figures because they are 'inaccurate.'

The committee's report, "Drug Use in America: Is the Epidemic Really Over?" is a follow-up to a similar study released in May. The study contends that the actual number of hard-core cocaine users in the United States has increased from 2.2 million noted in May to 2.4 million as of the December report. The committee also faulted NIDA for ignoring increases in drug use by rural Americans, noting that drug use in rural America constitutes a "second wave" of drug abuse sweeping the country.

The committee study also pointed out flaws in the methodology used by NIDA in preparing its household drug-use survey. It said the survey measures drug use only among those living in private homes and not those who reside in treatment centers, prisons, shelters and fails to account for drug abuse

among the homeless. All of these populations, it said, were prone to drug addiction. The NIDA study is a survey and asks people to voluntarily submit information and there is no mechanism to count those who lie to researchers.

The committee offered other findings that clashed with those released by the Bush Administration, including:

• In 10 U.S. cities alone, Justice Department urine tests identified about 650,000 hard-core cocaine addicts among arrestees.

• The committee's figure of 2.4 million weekly cocaine users means that one of every 100 Americans uses cocaine every week.

• The committee put the number of weekly heroin users at 940,000 — nearly twice the figure given by the Administration.

• Cocaine addict populations increased markedly in Alabama, Arkansas, Indiana, Kentucky, Missouri, Nebraska, Tennessee and Utah.

## RICO suit stems from speed trap

Continued from Page 5

Huntington Beach, Police Chief Ronald E. Lowenberg, Orange County Municipal Court and the West Orange County Judicial District violated Federal civil rights laws by illegally depriving motorists of money and freedom without due process of law. "An officer can't make an arrest unless he has probable cause. So if he's out there using radar illegally, that negates the probable cause because he's using an illegal methodology to stop someone," Franceschi said.

Since the filing of Franceschi's suit, the state Department of Transportation has conducted an engineering survey that justified the existing speed limit, which makes the issue "moot" — at least for the future," Sangster said. Franceschi is seeking damages during the period when no survey was conducted, he added.

Franceschi said that some people have become "hot and bothered" because he has accused the Police Department of RICO violations, "but police, like anyone else, have to follow the law. If anything, they have a greater duty to do so."

**Doing more with a lot less:**

# DC police deployment ripped in report

Continued from Page 1

what's going on in the real world," said commission member James Fyfe, a criminologist at American University. When the police staffing review was conducted last March by Fyfe and Patrick V. Murphy, a former Washington public safety director who now heads the Police Policy Board of the U.S. Conference of Mayors, there were 4,100 officers in the Metropolitan Police Department.

"According to the District, 2,800 were assigned to the [seven police] districts, except that about 600 of those people were rookies who were in training and were not going to be in the districts for about six months, so that brings you down to 2,200," said Fyfe. "There were another 550 who were detailed out on special assignments, who were carried on district rosters, but who hadn't worked there, in some cases for 10 or 12 years, and whose commanders had never seen them.... There were on a regular basis about 1,700 of the 4,100 who were working patrol out of the seven districts."

A Metropolitan Police source who requested anonymity told LEN that the commission's assessment seemed to be accurate. "There's no doubt about it that nobody's working here," the source said. "The guys just aren't working, and they aren't working because there's no evaluation system. We still may

have been able to justify the increase in personnel. We certainly wouldn't be doing it under a lie — that we're getting everything we can out of these people — because we aren't."

Police spending has risen by 65 percent since 1985 — from \$151 million to an estimated \$250 million in fiscal year 1990, the report noted. Arrest-based anti-drug strategies, and the insistence by the U.S. Attorney's Office that officers be present during grand jury conferences, have dramatically increased overtime costs.

Overtime rose from \$6.3 million in fiscal year 1985 to \$22.7 million in 1989, and court overtime for the first quarter of 1990 was set at \$7 million — the entire amount spent in 1989. Fyfe said overtime allowed about 20 police officers to make more than \$100,000 last year. The report urged the department to develop systems and controls to track and monitor overtime.

Fyfe said some of the high overtime costs are the result of "antiquated court practices," which the report said requires immediate study. He noted that Washington has no night court or system of issuing desk-appearance tickets, which means that every arrest results in an overnight jail stay and an appearance in court the next day. The result is that "every arrest, no matter how minor, results in an overnight detention rather than a ticket," said Fyfe. Nor

does Washington have a prosecutor squad that could help police enhance their criminal investigations. "Instead what happens is that whenever a case is referred to the grand jury, the cop who made the arrest gets assigned to the grand jury for the duration. He's taken off the street and spends a lot of his time working on overtime, hanging around the U.S. Attorney's Office."

Fyfe also noted a myriad of departmental shortcomings which are adversely affecting the agency's ability to fight crime. "It has a computer system that is so outdated that when they tried to buy computers for patrol cars they found they could not match up to the main frame. They have no crime analysis capability. Once a police officer is trained in the Police Academy, he gets no more training. There's no in-service training. There's no training for anybody who gets promoted. There's no personnel evaluation system," Fyfe said.

Police Chief Isaac Fulwood could not be reached for comment by LEN, but the Washington Post reported that he viewed the report as "flawed" and rejected the suggestion that the police force be cut. The report's authors, he said, "either lied, or they were misled."

"They said the Police Department is a bunch of fat, happy cats, and that's just not true," he said. Fulwood added that the report's finding that only 44 percent of the department's officers

were on patrol was incorrect. He said that 74 percent of the force is assigned to the patrol division, but the number actually on patrol varies from day to day.

Gary Hankins, chairman of the Fraternal Order of Police labor committee in Washington, also dismissed some of the report's conclusions, saying the Rivlin Commission "didn't do much research." He said that contrary to the accepted belief that increases in manpower have little direct relationship on crime — a view bolstered by the Police Foundation's Kansas City, Mo., patrol study of the 1970's — that isn't the case in Washington.

"Our experience here is that a greater number of police officers on the street does indeed cut crime," said Hankins. "We don't agree with the Kansas City study; it's simply not our experience here." Hankins noted that when manpower increased from 1970 to 1973, Washington police officers were able to cut crime by 48 percent. He said the newly hired personnel are helping the city to turn the crime trend around, as evidenced by a slight decrease in Part I offenses in 1990.

Fyfe countered by saying that the relationship between crime and police manpower is a "spurious" one that "certainly hasn't explained what has gone on here in the last several years

Over the last five years or so, the Police Department has been increased by about 50 percent — and so has the crime rate," he said. Police have little effect on the drug-fueled violence that is the bulk of Washington's crime problems, Fyfe added.

Hankins said that the commission's analysis of staffing levels did not take into account officers who are detailed to tactical units or special task forces. "They are patrol activities. I beg to differ. When you take those people out of the equation and look at how many people are in scout cars, you start reaching the figures they're talking about. The scout car officers are not preventing crimes; they're taking reports," he said.

The commission also pointed out that the 5,000 Federal officers assigned in the District makes Washington the most heavily policed city in the nation. Even without counting the number of Federal officers present, there are eight police officers per 1,000 D.C. residents — about twice the ratio of any other large U.S. city. But Hankins noted that Federal officers are "prohibited from assisting us in our jobs [and] are required to stay within their jurisdictions.... I thought it was a cheap shot [for the commission] to even mention Federal officers who they know can't help us."

## Paying the piper:

# NYPD shells out millions for bias-tainted layoffs

Continued from Page 1

develop "a job-related test, and one that doesn't discriminate against minorities."

The suit eventually wended its way to the U.S. Supreme Court, which in 1983 affirmed an earlier decision by the 2nd Circuit Court of Appeals, in which plaintiffs were permitted to seek relief under the equal-pay provisions of Title VII of the Civil Rights Act of 1964.

Title VII, which barred hiring discrimination on the basis of race, creed, religion or gender, was made applicable to municipalities in March 1973.

But the suit was never really settled. In 1985, U.S. District Judge Robert L. Carter ordered the city to provide back pay, seniority and benefits, as well as pre- and post-judgment interest, to eligible plaintiffs. The city challenged the order in the U.S. Court of Appeals for the 2nd Circuit, which upheld Carter's ruling.

"Ultimately, the court decided that the department's hiring and employment practices had violated the civil rights of class members, that the exams used before 1977 had had a disparate impact on [minority officers], that the tests themselves were not job-related, and the layoffs had perpetuated the effects of the discrimination," Millett told LEN.

The city then began the complicated process of computing damages for those eligible for relief, a process that was completed only late in 1989, Millett said. The court ordered the city to begin payments based on a "constructive appointment date" — a date earlier than the officers' actual appointment dates — which was deemed appropriate in view of the discriminatory effects of the contested hiring policies.

"The formulas that were used were exceedingly complex, which is why it took a very, very long time for there to

be some agreement on how payouts would actually be implemented," explained Millett. The task involved delving into the employment histories of plaintiffs who had taken other jobs during their layoff from the Police Department, and checking Social Security and tax records to determine whether plaintiffs were eligible for income lost had they remained on the Police Department payroll.

Because some of the awards were estimated at over \$100,000, a special payroll had to be set up to allow checks of over \$10,000 to be drafted for some of the plaintiffs. Otherwise, the city's Office of Payroll Administration would have automatically voided checks drawn for over \$10,000, Millett said.

One plaintiff received an award of \$142,000 and Millett said that was directly due to the court-ordered payment of pre- and post-judgment interest — set at 9 percent and 8.5 percent, respec-

tively — which in some cases had to be computed for a 15-year period. "When you add up 15 years of interest on top of what the basic payout would have been, typically it triples the amount [of the award]," Millett noted.

More than 220 plaintiffs had been paid about \$8.3 million as of the end of November, said Millett, who noted that the city began paying those with the largest claims first. Some of the plaintiffs may not be eligible for relief because they may not have been laid off, she added. Laid-off officers who worked

other jobs and made more money than they would have if they had remained on the force are not entitled to relief, Millett said.

Those who may be eligible include black and Hispanic police officers who were appointed after taking one of eight different hiring exams given in the late 1960's and early 1970's. Millett said notices will appear in local newspapers advising plaintiffs who may be eligible for relief to contact Davis Polk & Wardwell, the Washington, D.C.-based co-counsel for the plaintiffs.

# Richmond's "all-hands" effort shows block-by-block promise

Continued from Page 5

operations that have served as a backdrop to criminal activity. There, police, aided by drug-sniffing dogs, have made 143 drug arrests out of a total of 354 arrests, seizing 56 grams of cocaine and \$5,000 in cash.

In Richmond's 3rd Precinct, officers have employed "reverse stings," in which they pose as drug dealers, then arrest the buyers. Their efforts in the past 90 days have netted 71 drug arrests, 196 grams of powdered cocaine, 350 doses of crack, and a quarter-ounce of LSD — enough to process 400 hits.

A unit operating in the wee hours of the morning has seized 49 grams of cocaine and 144 doses of crack.

Before the operation, "you could find eight to ten dealers and twice the number of buyers at any given time," said Sgt. John Buckovich. "You can now find residents once again sitting on porches and the children playing."

The program doesn't stop with arrests and seizures of drugs. Vice detectives and city inspectors scour buildings where illicit activities have occurred and note fire and zoning violations. A code enforcement task force

has checked 42 such buildings and 135 additional properties where precinct commanders have cited problems. The resulting violations force owners to upgrade the properties or risk losing them.

As part of the ongoing "urban violence strategy," city officials are continuing a study on violence prevention and recently received a second year of funding to gauge domestic violence. The Police Department plans to develop a special office that will analyze violent crime, in cooperation with the Medical College of the state's Department of Preventive Medicine.

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# Jobs

Statisticians. The Bureau of Justice Statistics, a division of the U.S. Department of Justice, has vacancies for three statisticians. The successful candidates will assist in the development and presentation of national data on crime and justice and will be involved in a wide variety of data collection, computer-assisted analyses and interpretation of data, and in preparation of various types of reports based upon the analysis of statistical data.

Applicants must have 15 credit hours of statistical coursework, knowledge and experience in social science survey methodology, computer software pack-

ages, data analysis and writing of reports based on analysis of statistical data. Salary range is \$25,717 to \$48,481.

Candidates should contact: Norma Mancini, Chief, Fiscal and Management Unit, Bureau of Justice Statistics, 633 Indiana Ave., NW, Washington, DC 20531 (202) 307-0770

**Communications Center Director.** The Metropolitan Computer-Aided Dispatch Center, which provides communications dispatch of police, fire and emergency medical services for Champaign County, the cities of Champaign and Urbana, and the University of Illi-

nois, is seeking a director.

The METCAD director reports to an interagency administrative committee for policy direction and maintains regular relations with the sheriff, chiefs and other management personnel of the four jurisdictions covered by the center. Qualifications include a bachelor's degree in public administration or a related field, considerable supervisory experience, and considerable knowledge of public safety communications. Starting salary range is \$36,013 to \$40,997, depending on qualifications, plus excellent fringe benefits.

Apply to: Personnel Services Department, City of Champaign, 102 N. Neil, Champaign, IL 61820. Deadline: Feb. 28, 1991. AA/EEO.

**Police Officer.** The Prince George's County, Md., Police Department is conducting continuous recruitment for police officer vacancies. The department seeks applicants demonstrating good character, sound judgment, open-mindedness, and interest in public service. Applicants must be United States citizens at least 21 years old at time of appointment, with a high school diploma or G.E.D. Entry level salary is \$24,404.

Address inquiries to: Prince George's County Police Department, Recruiting Section, 425 Brightseat Road, Landover, MD. (800) 446-8790

## POLICE CHIEF

The City of Rock Island, Illinois (pop. 42,000), located on the Mississippi River within the Quad Cities, is accepting resumes for the position of Police Chief. This position is appointed by and reports to the City Manager. The position is responsible for directing the activities of the department comprised of 78 sworn officers and 32 civilian employees.

Qualified applicants must possess thorough knowledge of principles and practices of police administration, methods and procedures. Requires eight (8) years' supervisory experience. Requires knowledge, skill and mental development equivalent to the completion of four (4) years' college Residency required within the boundaries of the City. Finalists will be required to submit to a physical examination, including drug testing, psychological examination and extensive background investigation. Salary range from \$36,411 to \$54,040.

Applications will be accepted through February 28, 1991. Send to: John C. Phillips, City Manager, 1528 Third Avenue, Rock Island, IL 61201.

## POLICE IDENTIFICATION TECHNICIAN

Inglewood, California

Salary: \$2,269 - \$3,732/month

The city, located in metropolitan Los Angeles County, is seeking qualified applicants for the position of identification technician. The successful candidate will have the opportunity to perform the full range of police identification work such as the collection and preservation of crime scene evidence (including fingerprints, photography, and diagramming), photo lab work, fingerprint comparisons, and courtroom testimony.

**QUALIFICATIONS:** High school graduate or equivalent, one year experience as a field evidence technician or crime scene investigator, working knowledge of basic photography, and knowledge of the Henry system of fingerprint classification. A chemistry background and photo lab experience (color and black & white) is desirable. Appointment can be made at any step within the salary range, based on qualifications.

**APPLICATION PROCESS:** Submit City of Inglewood application and cover letter to: City of Inglewood Personnel Department, 1 Manchester Blvd., Inglewood, CA 90301. (213) 412-5460. A fair and equitable employer.

## PROBATION ADMINISTRATOR

Monroe County, in upstate New York, is seeking a Director of Probation to oversee 200 employees and an \$8.5-million budget. Requirements include a master's degree in a related field and three years' experience in probation or parole services or closely related field. Strong management and supervisory experience required. A bachelor's degree with five years' related experience may be substituted for master's degree.

Contact: Martha Lappan, Personnel Services, 39 Main Street West, Room 210, Rochester, NY 14614 EOE.

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## Forum: Police need mayors' leadership

Continued from Page 7

thus they have more votes. Their organizations are based on the principle of "one chief, one vote," rather than "one officer, one vote." They experience much lower crime rates and are unaware of the issues of urban policing, where crime is so heavily concentrated.

Ironically, though, the small town departments are the model of good policing. Officers and people work very closely together. The eyes, ears, information and influence of all law-abiding citizens are mobilized in preventing crime and disorder. Anonymity is not an advantage the criminal experiences. City departments should be organized into small "urban villages" of manageable size with their "own" individual patrol officers.

In the words of Charles Reith, the English police historian, "the police are the gem of a democratic society" when they function with the consent of the people. Without consent, they inhibit freedom and effective crime control. It is no exaggeration to say that many inner-city working poor residents are largely excluded from our free society by crime, fear and powerlessness. A significant portion of the blame rests with the police. They attempt to control the law-abiding citizens who constitute the vast majority in any neighborhood. Many do not understand their proper role — assisting the people to exercise social control. Misconceptions at management levels permit too many officers to believe they should be controllers, rather than servants, of the people. The concept of government of, by and for the people escapes them.

In many respects, urban policing is failing. It should not surprise anyone who takes the time to understand its complexities and contradictions. It is a non-system, lacking a support structure, assigned professional level responsibilities but functioning with sub-professional personnel. The police service is leaderless, both nationally and professionally. No individual or organization with significant influence provides the leadership that is necessary to change a failing non-system into a successful, knowledgeable, coordinated, professional police service. The natural appreciation people have for the police officers who courageously protect them translates into a blind faith in their

wisdom. It is assumed that chiefs know what they are doing. In fact, they operate without the benefit of a body of knowledge. Performance measures are virtually non-existent. The culture and traditions of individual departments, myths and untested assumptions underlie the policies and practices in almost all cities. One of the most serious failures of the Federal Government has been its miserly support of research.

A complex responsibility dealing with all of the unpredictabilities of human behavior, especially the deviant variety, requires much more research and experimentation than the \$24 million appropriation of the National Institute of Justice can provide. The institute's mandate includes courts and corrections as well as police. One-tenth of 1 percent of the \$20 billion spent annually by local government for police protection is grossly inadequate.

Local policing is one of the strengths of our form of government. However, mayors pay a price. As a result of fragmentation into more than 15,000 agencies and the insularity caused by entire careers spent in only one department by all officers, and chiefs, with very rare exception, there is little uniformity. Policies vary widely. Information is scarce concerning which of them work. Mayors have few standards and little knowledge to assist them in evaluating the strengths and weaknesses of their agencies. Their chiefs are handicapped by the same limitations.

Each department is an entity unto itself. Without national leadership for comprehensive progress, individual departments find it more difficult to improve themselves. It is logical for mayors, with their chiefs, to fill the leadership void. Mayors are held accountable for the work of their departments. They have every reason to intervene in rescuing the most fundamental function of government — the maintenance of order and the prevention of crime — from the inherent weaknesses that disable it. In the United States, the function is placed at the local level. Mayors should join with the chiefs of the principal cities to claim the leadership role which is rightfully theirs. Their cities will be the beneficiaries. As a wise man once said, "War is too important to be left to the generals." Policing is too important to be left to the chiefs.

Monroe Community College, a large and complex metropolitan community college located in an exciting cultural and technology center in upstate New York, is seeking applicants for the following position:

## CRIMINAL JUSTICE AND PUBLIC SAFETY TRAINING CENTER DIRECTOR

Responsible for overall planning and coordination of police and other public safety programs, operations, and administration. Supervises instructors and staff; prepares and manages Center's budget; and works closely with law enforcement and public safety officials.

Qualifications: Master's degree preferred, documentable training experience within the criminal justice system including management experience; emphasis on law enforcement. Experience in emergency medical services, fire services, and/or security management preferable. Salary range: \$45,000 to \$55,000, excellent fringe benefits. Send letter of application, resume, transcript(s) and three letters of reference to Carol R. Schonblom, Director of Personnel, Monroe Community College, 1000 East Henrietta Road, Rochester, NY 14623. Screening will commence on or about Feb. 17, 1991, and will continue until an appointment is made.

Monroe Community College wishes to ensure that the search identifies qualified women or minority candidates. Applicants belonging to these groups are encouraged to identify themselves if they wish.

A member of the League for Innovation in the Community College.

# Upcoming Events

## FEBRUARY

18-22. **Field Training Officer Seminar.** Presented by the Institute of Police Technology & Management. To be held in Jacksonville, Fla. Fee: \$395.

18-March 1. **Traffic Accident Reconstruction.** Presented by the Institute of Police Technology & Management. To be held in Jacksonville, Fla. Fee: \$595.

19-21. **Hostage Negotiations.** Presented by the Institute of Public Service. Fee: \$295.

19-21. **The Reid Technique of Interviewing & Interrogation.** Presented by John E. Reid & Associates. To be held in Cincinnati, Fee: \$495.

19-22. **Limited Manpower Detail Protection.** Presented by the Institute of Public Service. Fee: \$700.

20-22. **Street Survival '91.** Presented by Calibre Press. To be held in Atlantic City, N.J. Fee: \$149 (all three days); \$125 (first two days only); \$85 (third day only).

25-26. **The Reid Advanced Technique of Interviewing & Interrogation.** Presented by John E. Reid & Associates. To be held in Atlanta, Fee: \$345.

25-27. **High-Risk Incident Management.** Presented by the Traffic Institute. Fee: \$350.

25-28. **Practical Crime Analysis.** Presented by the National Crime Prevention Institute. Fee: \$320.

25-March 1. **Criminal Patrol Drug Enforcement.** Presented by the Institute of Police Technology & Management. To be held in Jacksonville, Fla. Fee: \$395.

25-March 1. **Advanced Management Practices.** Presented by the New England Institute of Law Enforcement Management. To be held in Wellesley, Mass.

26-28. **Symposium on Microcomputers in Law Enforcement.** Presented by the Institute of Police Technology & Management. To be held in Jacksonville, Fla. Fee: \$295.

27-28. **Sex Crimes Investigation.** Presented by the Center for Criminal Justice, Case Western Reserve University. Fee: \$150.

27-March 1. **Street Survival '91.** Presented by Calibre Press. To be held in New Orleans. Fee: \$149 (all three days); \$125 (first two days only); \$85 (third day only).

## MARCH

4. **Risk Management: Deadly Force.** Presented by the Southwestern Law Enforcement Institute. To be held in Denver. Fee: \$95 (SLEI members); \$120 (non-members).

4-5. **Executive/VIP Protection.** Presented by Richard W. Kobetz & Associates. To be held in Dallas. Fee: \$375.

4-6. **Street Survival '91.** Presented by Calibre Press. To be held in Pittsburgh. Fee: \$149 (all three days); \$125 (first two days only); \$85 (third day only).

4-6. **The Reid Technique of Interviewing**

**and Interrogation.** Presented by John E. Reid & Associates. To be held in San Antonio, Tex. Fee: \$495.

4-6. **The Reid Technique of Interviewing and Interrogation.** Presented by John E. Reid & Associates. To be held in Indianapolis, Ind. Fee: \$495.

4-7. **Interviews & Interrogations for Internal Affairs Officers.** Presented by the Institute of Police Technology & Management. To be held in Jacksonville, Fla. Fee: \$375.

4-8. **Managing Police Traffic Services.** Presented by the Traffic Institute. To be held in Evanston, Ill. Fee: \$500.

4-8. **Commercial Security.** Presented by the Florida Crime Prevention Training Institute. To be held in Jacksonville. Fee: \$200.

4-8. **Bloodstain Evidence Workshop.** Presented by the Institute of Police Technology & Management. Fee: \$450.

4-8. **Composite Drawing for Law Enforcement.** Presented by the Institute of Police Technology & Management. Fee: \$425.

4-8. **Comprehensive Police Fleet Management.** Presented by the Institute of Police Technology & Management. Fee: \$395.

4-8. **Photography in Traffic Accident Investigation.** Presented by the Institute of Police Technology & Management. To be held in Phoenix. Fee: \$450.

4-8. **Child Abuse Intervention, Referral & Investigation.** Presented by the Delinquency Control Institute. To be held in Santa Barbara, Calif.

4-15. **Crime Prevention Technology & Programming.** Presented by the National Crime Prevention Institute. To be held in Louisville, Ky. Fee: \$615.

5-7. **Special Event & Disaster Planning.** Presented by the Traffic Institute. Fee: \$450.

6-7. **Contemporary Terrorism.** Presented by Richard W. Kobetz & Associates. To be held in Dallas. Fee: \$375.

8-9. **Middle Eastern Terrorism.** Presented by Richard W. Kobetz & Associates. To be held in Dallas. Fee: \$375.

11-12. **Measuring Productivity in Law Enforcement.** Presented by the Traffic Institute. Fee: \$225.

11-13. **The Reid Technique of Interviewing and Interrogation.** Presented by John E. Reid & Associates. To be held in Los Angeles. Fee: \$495.

11-13. **Employee Assistance Programs: Policies, Procedures & Supervision of Problem Employees.** Presented by the Traffic Institute. Fee: \$450.

11-13. **Managing Field Training Officer Programs.** Presented by the Traffic Institute. Fee: \$400.

11-13. **The Investigation & Prosecution of Complex Narcotics Cases.** Presented by the Washington Crime News Services Edu-

cational Institute. To be held in Burbank, Calif.

11-15. **Forensic Hypnosis.** Presented by the University of Alabama Law Enforcement Academy. To be held in Tuscaloosa. Fee: \$500.

11-15. **Tactical Team Operations I.** Presented by the Institute of Public Service. To be held in Gainesville, Ga. Fee: \$500.

11-15. **Developing & Maintaining a DWI Program.** Presented by the Institute of Police Technology & Management. To be held in Jacksonville, Fla. Fee: \$395.

11-15. **Field Training Officer Seminar.** Presented by the Institute of Police Technology & Management. To be held in Palatka, Fla. Fee: \$395.

11-15. **Police Motorcycle Rider Course.** Presented by the Institute of Police Technology & Management. To be held in Jacksonville, Fla. Fee: \$595.

11-15. **Skills Development: Advanced Composite Art.** Presented by the Institute of Police Technology & Management. Fee: \$450.

11-15. **Fundamentals of Courtroom Testimony for Polygraph Examiners.** Presented by the Department of Defense Polygraph Institute. To be held in Fort McClellan, Ala.

11-22. **Police Motorcycle Instructor Course.** Presented by the Institute of Police Technology & Management. Fee: \$1,000.

12-14. **The Reid Technique of Interviewing and Interrogation.** Presented by John E. Reid & Associates. To be held in Atlantic City, N.J. Fee: \$495.

12-15. **Crisis Management Operations.** Presented by the Institute of Public Service. Fee: \$445.

13-15. **Excellence Through Leadership.** Presented by the Traffic Institute. Fee: \$350.

14-15. **The Advanced Reid Seminar on Interviewing and Interrogation.** Presented by John E. Reid & Associates. To be held in Los Angeles. Fee: \$345.

18. **Risk Management: Deadly Force.** Presented by the Southwestern Law Enforcement Institute. To be held in Phoenix. Fee: \$95 (SLEI members); \$120 (non-members).

18-20. **Street Survival '91.** Presented by Calibre Press. To be held in Newport, R.I. Fee: \$149 (all three days); \$125 (first two days only); \$85 (third day only).

18-20. **Administration, Management & Supervision of the Field Training Officer Program.** Presented by the Institute of Police Technology & Management. Fee: \$325.

18-22. **Microcomputer-Assisted Traffic Accident Reconstruction (EDCRASH).** Presented by the Traffic Institute. Fee: \$650.

18-22. **Tactical Team Operations II.** Presented by the Institute of Public Service. Fee: \$525.

18-22. **Advanced Drug Law Enforcement.** Presented by the Institute of Police Technology & Management. Fee: \$395.

18-22. **Crime Scene Technician Seminar.** Presented by the Institute of Police Technology & Management. Fee: \$395.

18-22. **Practical Hostage Negotiations.** Presented by the Institute of Police Technology & Management. Fee: \$395.

18-22. **Police Applicant Background Investigation.** Presented by the Institute of Police Technology & Management. Fee: \$395.

18-22. **Esplionage.** Presented by the Department of Defense Polygraph Institute.

18-29. **Managing Small & Medium Sized Police Departments.** Presented by the Traffic Institute. Fee: \$700.

18-April 5. **Command Training Program.** Presented by the New England Institute of Law Enforcement Management. To be held in Wellesley, Mass.

20-22. **Personnel Issues.** Presented by the Southwestern Law Enforcement Institute. To be held in Dallas. Fee: \$295 (non-SLEI members; free to members).

25-27. **Special Problems in Police Internal**

Affairs.

Presented by the Institute of Police Technology & Management. Fee: \$325.

25-28. **Advanced Hostage Negotiation.** Presented by the Traffic Institute. Fee: \$500.

25-29. **Drug Raid Operations.** Presented by the Institute of Public Service. Fee: \$525.

25-29. **Professional Marksmanship (Sniper D).** Presented by the Institute of Public Service. Fee: \$600.

25-29. **Sects, Cults & Deviant Movements.** Presented by the Institute of Police Technology & Management. Fee: \$395.

25-29. **Automated Crime Analysis.** Presented by the Institute of Police Technology & Management. Fee: \$475.

25-29. **Investigation & Inspection of Commercial Vehicle Accidents.** Presented by the Institute of Police Technology & Management. To be held in Tallahassee, Fla. Fee: \$450.

25-29. **Polygraph Techniques in Child Sexual Abuse Investigations.** Presented by the Department of Defense Polygraph Institute.

26-28. **Officer Survival.** Presented by the Institute of Public Service. To be held in Gainesville, Ga. Fee: \$295.

## Fla. ruling rocks child advocates

### Continued from Page 1

procedures to give people due process on those issues, but our first and best option is to show the judge that there is no such thing as a person being named as an indicated child abuser."

The indicated reports are kept to ensure the protection of children named as targets of abuse in reports received by child welfare protection officials, Konicki explained. The reports serve as a "red flag" and aid child welfare officials to indicate a pattern of abuse. "It means there's something wrong with somebody around that child," he said.

But Meyer disagreed with the HRS spokesman's defense and also charged that the confidentiality of the records is easily and frequently breached. "We showed as matter of evidence that HRS treated these people as abusers and publicized that fact, and we've had some state court rulings that have found that the mere retention of your name in a registry as a suspected child abuser does create an unfortunate stigma, and hence, harm. . . We were able to establish initially, as a matter of proof, that there was wide and broad disclosure of information that was supposed to be kept confidential and wasn't. We submitted direct evidence that breach of confidentiality occurred."

Florida statutes allow access to registry records to certain groups — courts, police, state's attorneys, and licensing boards — but Meyer contends that confidentiality breaches "seem to be the rule rather than the exception."

The attorney noted he may file another Federal lawsuit against the Florida Department of Law Department (FDLE) because it fired an official named in an "unsubstantiated" indicated abuse report who failed to disclose the report to his superiors. Danny Johnson, a former official with the FDLE's criminal investigations unit, was fired "essentially because he was enmeshed in this abuse registry process," said Meyer.

There was never any evidence that Johnson committed wrongdoing, Meyer said, adding that he planned to seek Johnson's reinstatement with back pay.

The ruling, when finalized, could have an impact in other states that maintain similar child abuse reporting systems, Meyer said. But Konicki added that without the indicated abuse reports, patterns of abuse cannot be established, and that may put a child's life in danger. "Those prompts need to exist for us to save lives. We're talking about whether we're going to have the ability to do the best we can to protect children," he said.

Abuse registries are instrumental in the prevention of child abuse and most are maintained professionally and confidentially, say professionals contacted by LEN.

"I think in most states registries are set up in such a way that they seem to be quite fair to all of the parties concerned," said Nancy Peterson, a spokesman for the National Committee for the Prevention of Child Abuse. She estimated that from one-third to one-half of the states have hotlines or abuse registries to track the estimated 2.4 million abuse reports made in the United States each year.

Howard Davidson, director of the American Bar Association's Center on Children and the Law, told LEN that if Florida is forced to destroy the indicated records, children's lives would be placed in jeopardy. "It's one thing to have records that are available for dissemination to other agencies for purposes that might be construed as prejudicial to the employment of individuals. It's quite another thing to destroy records that would prevent a public agency from carrying out its legal responsibility to protect children," he said.

Davidson predicted that more cases will arise involving the due-process rights of persons named in child abuse reports, but he expressed hope that the Florida decision will not lead to the dismantling of current child abuse reporting systems. The systems "have to be maintained more carefully with greater consideration for the due process of law rights of the individuals involved, but they shouldn't be abandoned wholesale," said Davidson. "The destruction of records that might be applicable to saving the life of a child in the future would be a terrible mistake."

## For further information

Broward Sheriff's Office Organized Crime Centre, P.O. Box 2505, Fort Lauderdale, FL 33303 (305) 492-1810

Calibre Press, 666 Dundee Rd., Suite 1607, Northbrook, IL 60062-2727, (800) 323-0037.

Center for Criminal Justice, Case Western Reserve University, Cleveland, OH 44106 (216) 368-3308.

Criminal Justice Center Police Academy, Sam Houston State University, Box 2296, Huntsville, TX 77341-2296 (409) 294-1669-70

Delinquency Control Institute, University of Southern California, School of Public Administration, 3601 South Flower St., Los Angeles, CA 90007, (312) 743-2497

Department of Defense Polygraph Institute, Building 3195, Fort McClellan, AL 36205-5114 (205) 848-3336.

Florida Crime Prevention Training Institute, Office of Crime Prevention & Training, The Capitol, Tallahassee, FL 32399-1050 (904) 487-3712

Institute of Police Technology & Management, University of North Florida, 4567 St. Johns Bluff Rd. So., Jacksonville, FL 32216, (904) 646-2722

Institute of Public Service, 601 Broad St., S.E., Gainesville, GA 30501 1-800-235-4723

Richard W. Kobetz & Associates Ltd., Arcadia Manor, Rte. 2, Box 3645, Berryville, VA 22611 (703) 955-1128

National Crime Prevention Institute, Shelby Campus, University of Louisville, Louisville, KY 40292 (502) 588-6987

Washington Crime News Services Educational Institute, Attn: Nancy Van Wyen, Seminar Coordinator, 1-800-321-6004

ment Management, P.O. Box 57350, Babson Park, MA 02157-0350, (617) 239-7033

John E. Reid & Associates Inc., 250 South Wacker Dr., Suite 1100, Chicago, IL 60606 (312) 876-1600

SEARCH Group Inc., 7311 Greenhaven Dr., Suite 145, Sacramento, CA 95831 (916) 392-2550

Southwestern Law Enforcement Institute, P.O. 830707, Richardson, TX 75083-0707 (214) 690-2370

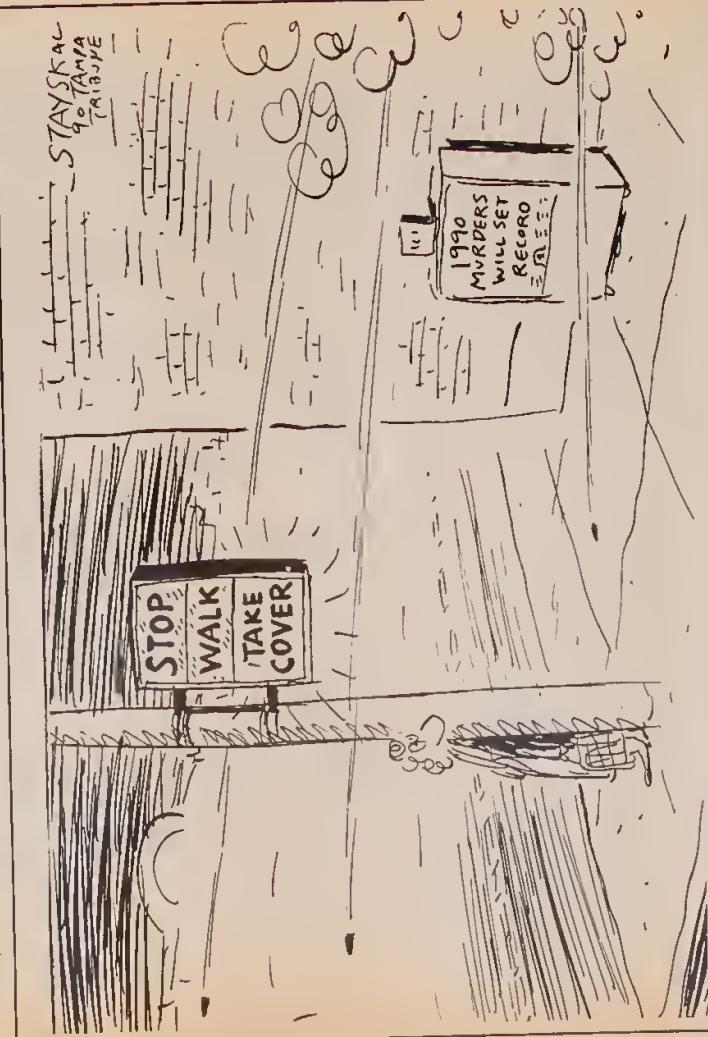
Traffic Institute, 555 Clark St., P.O. Box 1409, Evansville, IL 60204 1-800-323-4011

University of Alabama Law Enforcement Academy, Box 870388, Tuscaloosa, AL 35487-0388 (205) 348-5831

Washington Crime News Services Educational Institute, Attn: Nancy Van Wyen, Seminar Coordinator, 1-800-321-6004

# Law Enforcement News

Vol. XVI, No. 327 A publication of John Jay College of Criminal Justice/CUNY December 31, 1990



## The 1990 body count:

Records exist to be broken, and for a number of large cities the year past has seen murder records falling like so many innocent bystanders in a crossfire. A look at the vital statistics, and some possible reasons behind them, starts on **Page 1**.

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